

NINTH REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS
FOR CANADA

FOR THE YEAR ENDING MARCH 31

1914

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THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

H. L. DRAYTON, K.C., *Chief Commissioner.*

D'ARCY SCOTT, *Assistant Chief Commissioner.*

Hon. M. E. BERNIER, *Deputy Chief Commissioner.*

JAMES MILLS, *Commissioner.*

S. J. McLEAN, *Commissioner.*

A. S. GOODEVE, *Commissioner.*

A. D. CARTWRIGHT,
Secretary.

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REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS

FOR CANADA.

To the Governor in Council:

Pursuant to the provisions of section 62 of the Railway Act, as amended by section 12 of chapter 32, 8-9 Edward VII, the Board of Railway Commissioners for Canada has the honour to submit its Ninth Report for the year ending March 31, 1914.

Since the submission of the board's last report the Railway Act has been amended under and by virtue of chapter 44, 3-4 George V, entitled an Act to amend the Railway Act, assented to the 6th June, 1913.

The following are the amendments referred to:—

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CHAP. 44.—AN ACT TO AMEND THE RAILWAY ACT.

(Assented to 6th June, 1913.)

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection 1 of section 35 of the Railway Act, chapter 37 of the Revised Statutes, 1906, as the said subsection is enacted by section 9 of chapter 62 of the statutes of 1908, is amended by striking out the words "ten thousand" in the second line of the said subsection and substituting therefor the words "twelve thousand five hundred".

2. Subsection 2 of section 168 of the Railway Act is repealed and the following is substituted therefor:—

"2. The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with, or remove, close, or abandon any station or divisional point without leave of the board; and where a change is made in the location of a divisional point the company shall compensate its employees as the board deems proper for any financial loss caused to them by change of residence necessitated thereby."

PUBLIC SITTINGS OF THE BOARD.

During the year covered by the period from the 1st April, 1913, to the 31st March, 1914, the board held eighty-one public sittings, at which 702 applications were heard,

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as compared with 102 public sittings for the previous year, at which 695 applications were heard, being a slight increase for the year. The number of public sittings held in the various provinces were as follows:—

In the province of	Ontario.. . . .	65
"	Quebec.. . . .	2
"	Maritime provinces.. . . .	nil
"	province of Manitoba.. . . .	3
"	Saskatchewan.. . . .	4
"	Alberta.. . . .	4
"	British Columbia.. . . .	3

The applications heard at these sittings cover a variety of matters falling within the jurisdiction of the board under the Railway Act, from the application of a private individual for a farm crossing to matters of general public interest affecting the community at large, such as, for example, the question of railway, express, telephone, or telegraph company's rates, or matters concerning the operation of railroads generally.

FORMAL AND INFORMAL MATTERS.

In addition to the matters heard at formal sittings of the board there are a large number of informal matters dealt with by it, that is to say, of a total of 5,566 applications and complaints dealt with by the board, only 12.6 per cent were set down for formal hearing and 87.2 per cent were disposed of without the necessity of a formal hearing. Attention may be called here to the fact that these informal complaints, settled without a hearing, frequently entail a very considerable amount of consideration and inquiry on the part of the board's officers, and cover a wide range of subjects, from the complaint of an individual relating to an overcharge in a railway fare involving a small amount of money, or the question of lost baggage, to a matter of general public interest affecting the whole community, such as a railway rate involving a principle affecting the community at large.

A list of the formal complaints heard at sittings of the board, together with the disposal made thereof, will be found under Appendix "B," and a list of the informal matters, in the matter of complaints dealt with by the board, will be found under Appendix "A".

GENERAL DECISIONS AND RULINGS OF THE BOARD.

The following are some of the more important matters dealt with by the board at its public sittings for the year ending March 31, 1914. The full text of the various judgments will be found under Appendix "C" to the report.

RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of section 7, of 8-9 Edward VII, chapter 32, entitled an Act to amend the Railway Act, provision was made that the sum of \$200,000 each year, for five consecutive years from the 1st day of April, 1909, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protection safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to credit of a special account to be known as "The Railway Grade Crossing Fund", to be applied by the board, subject to certain limitations set out in the amending Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

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In dealing with such crossings, the board issued, between the 1st day of April, 1909, and the 31st March, 1914, 273 orders, providing protection as follows:—

By electric bells..	161
" gates..	68
" subways..	41
" overhead bridges..	19
" diversion of highways..	14
" closing of streets..	2
" removal of hill..	1
Total number of crossings protected..	306

It will be seen by comparing the total number of crossings protected with the Eight Annual Report of the board that the increase for the year ending March 31, 1914, in the number of crossings protected, numbers 63, made up as follows:—

By electric bells..	34
" gates..	17
" subways..	7
" overhead bridges..	3
" diversion of highways..	2
" closing of streets..	
Total increase in number of crossings protected..	63

In connection with the granting of aid to protective works under this fund, attention is directed to the fact that the board has found that the limitation imposed by the Act has prevented contributions being made in as large a degree as would seem to be proper in the public interest in connection with the larger schemes for elimination of grade crossings. Such works in the larger cities will run into amounts exceeding \$100,000, and occasionally as high as several million dollars, so that the limitation of \$5,000 (not to be applied to more than three crossings in any one municipality, or more than once to any one crossing), fixed by the Act, would be a fraction of the total amount involved.

RE REDUCTION OF EXPRESS RATES.

The question of express rates was taken up by the board of its own motion, and after a very full investigation, and affording every opportunity to the express companies to show cause against any reductions, the judgment of the board was delivered by the Chief Commissioner, April 22, 1913, concurred in by the Assistant Chief Commissioner and Commissioners Mills, McLean, and Goodeve.

Consideration was first given to the express conditions in the East. It appeared that while no general reduction in eastern express rates had taken place, some were brought about in the following ways: By orders of the board in particular cases; by a revision of the Express Freight Classification; by a simplification of the companies' rules and regulations in the interests of the shippers; by the table of so-called "graduate" charges extending shipments of less than 100 pounds; by the new form of shipping receipt extending the companies' liability by eliminating the qualification of "owner's risk" contained in the former classification; by the extension of collection and delivery limits at different points which by increasing the service amounted to a reduction in the rates. The above were some of the reasons which accounted for the falling-off in the net return on the gross revenue on express business in Eastern Canada shown to exist.

In view of the fact of this falling-off in the net returns, and the further fact that the Honourable the Postmaster General had announced his intention of establishing a parcels post system in Canada, it was felt that the board would not be warranted at the present time in making a drastic order reducing the express rates in Eastern Canada.

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The conditions affecting express business in the West were found to be very different. There had always been a different scale of charges between the East and the West, and while the companies claim that the cost of doing business in the West was greater and the density of traffic less than in the East, the board found that actual results of operations showed that undue effect had been given to these conditions.

In short, upon the evidence furnished and the data before it, and having regard to the effect of parcels post in Canada which the board expressed itself as being unable at the moment to estimate, the conclusion arrived at was that the rates charged by the different express companies in the Prairie Provinces and British Columbia were unreasonably high, and directed that the companies submit new tariffs making a reduction of 20 per cent in the Prairie and Mountain sections from the present standard maximum tariffs on freight classified as "merchandise" carrying with it the appropriate reduction in the "graduate" table scale "K" and "M" and the special scale for single shipments of 500 pounds or over; said tariffs to become effective on or before the 15th day of July, 1913.

A further direction was that the basis of the standard maximum mileage "merchandise" tariff should not exceed \$4 for 100 pounds, in place of \$5 for the Prairie section, and \$4.75 for 100 pounds in place of \$6 for the Mountain section, for 900- to 1,000-mile group.

For judgment reported in full see Appendix "C."

BLIND RIVER BOARD OF TRADE V. GRAND TRUNK, CANADIAN PACIFIC RY., NORTHERN NAVIGATION
AND DOMINION TRANSPORTATION COMPANIES.

In the case of a compelled toll based on water competition, it is the privilege of a carrier, in its own interests, to meet water competition, but it is not the privilege of the shipper to demand less than normal tolls because of such competition, which railway in its discretion does not choose to meet.

For the facts, see judgment of Mr. Commissioner McLean, Appendix "C."

CANADIAN FREIGHT ASSOCIATION V. CADWELL SAND AND GRAVEL CO.

A toll established in the first instance by a carrier of its own volition, having remained some time in force, is presumptively reasonable, and the onus is on the carrier to show, with reasonable conclusiveness, that changed conditions or increased cost of operation justified an increase.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

TWIN CITY TRANSFER CO. V. CANADIAN PACIFIC RY. CO.

The grant by a railway company to one transfer or bus company of the exclusive privilege of soliciting passengers on depot property is not an unjust discrimination against another transfer company within the inhibition of sections 284, 317 of the Railway Act (R.S.C. 1906, ch. 37), which prevents unjust discrimination between passengers, shippers, and consignees of freight, but does not concern the agencies employed for receiving or delivering traffic at, to, or from railway stations.—*Purcell v. Grand Trunk Pacific Ry. Co., 13 Can. Ry. Cas., 194, distinguished.*

For the facts see judgment of the Chief Commissioner, Appendix "C."

IN RE BURRARD INLET TUNNEL AND BRIDGE CO.

The board will not pass on any issue arising between provisional directors of a railway company and municipalities in regard to the legality of payments for calls on subscriptions made by the provisional directors, or other issues of such character.

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A railway company whose organization has not been completed as required by the provisions of the Railway Act, but which is assuming to carry on business through its provisional directors, has no standing to file detailed plans of its undertaking with the board, it being necessary, on the part of the company to file evidence with the board showing that the provisions of the Railway Act relating to organization have been complied with as a condition precedent to its right to file such plans, or of its right to any recognition by the board of any such partially organized company.

Under the Railway Act, provisional directors of a railway company have no right to carry on the business of the undertaking, their powers being limited to those specifically defined by section 81, subsection 3 of that Act, merely to opening stock books, receiving and safely depositing stock subscriptions, making plans and surveys.

The provisions of the Railway Act as to the organization of railway companies and the amount of stock subscriptions are provisions made for the protection of the public and must be strictly followed.

The facts are fully set out in the judgment of the Chief Commissioner, Appendix "C."

HUDSON BAY MINING COMPANY V. GREAT NORTHERN RAILWAY COMPANY.

It is entirely within the discretion of a carrier to meet the competition of another carrier or not, and if it chooses to do so, when tolls are attacked as to their measure of reasonableness, not simply mileage, but conditions of operation, cost of carriage and volume of traffic, should be compared.—*Dominion Sugar Co. v. Canadian Freight Association*, 14 Can. Ry. Cas. 188, at p. 192, followed.

The right of a carrier to consider the resultant traffic as a reason for a lower toll on the original commodity, where hauled to points of manufacture on its own line, is well established, and it does not appear justifiable to take the said toll as a measure of the reasonableness of what should be charged by the respondent.—*Michigan Sugar Co. v. Chatham, Wallaceburg and Lake Erie Ry. Co.*, 11 Can. Ry. Cas. 353, at p. 363, followed.

Where the tariff in force recognized the difference in value of ore as a basis of tolls, a minimum toll on all ore of a value of \$25 or less was held to be unreasonable and an order was made requiring the carriers to differentiate as to values under \$25, by fixing new tolls for ores valued at \$15 or under, and \$20 or under.

The board is not concerned with equalizing costs of production. It is concerned with the reasonableness of the toll, not with the rate of profit the applicant is making.—*Imperial Rice Milling Co. v. Canadian Pacific Ry. Co.*, 14 Can. Ry. Cas. 375, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

WESTERN FREIGHT RATES CASE.

The consideration of rates for the carriage of freight traffic upon railway lines in Canada west of Port Arthur, generally referred to as the Western Freight Rates Case, was finally concluded at a sittings of the board held in Ottawa on the 24th November, 1914, when the board, after hearing argument by the various counsel represented at the hearing, reserved judgment. Judgment of the board was subsequently delivered by the Chief Commissioner under date of April 6, 1914.

INCREASED MINIMA ON BUILDING PAPERS AND PULPWOOD.

The Canadian Manufacturers' Association filed a complaint with the board protesting against the proposed increased minima on building paper and wood pulp (dry) and wood pulp board, from 24,000 to 40,000 pounds, effective February 23, as set out in tariffs of the Canadian Pacific Railway Company's Supplement No. 40 to C. R. C.

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E-2352 and the Grand Trunk Railway Company's Supplement No. 28 to C. R. C. E-2513.

A temporary order issued suspending the effective dates of these tariffs until an investigation and hearing could be had. After hearing, and upon consent, this order, in so far as it suspended Sup. No. 40 to the Canadian Pacific Railway Company's C. R. C. No. E-2352, was rescinded. Sup. No. 44 was declared to be lawfully in effect from and including February 25, 1914. The order further provided that, upon the publication and filing of a supplement to the Grand Trunk Railway Company's C. R. C. No. E-2513, substituting similar revised minimum weights on the said commodities for the minimum weight of 40,000 pounds, shown in its Sup. No. 28, suspended by the temporary order, the said temporary order would cease to be effective.

EMPIRE FLOUR MILLS V. MICHIGAN CENTRAL R.R. CO.

The abrogation of milling-in-transit privileges, formerly allowed in respect of shipments milled at points on the respondent's line in Canada destined to points on or via participating lines and their connections, was held not to be unjust discrimination, as it was shown that the participating carriers did not grant the privileges in question to millers on their own lines under similar conditions.

Unjust discrimination in favour of United States milling points as against Canadian milling points is not established by proof that (in order to meet the toll of United States lines and participate in the business) milling-in-transit privileges and tolls are allowed over Canadian lines in respect of shipments milled at the former points, and not to shipments milled at the latter, where it appears that the Canadian milling points can enjoy similar tolls and privileges by an alternative route through the United States to the same destinations, so that there is no actual disadvantage in practice.

Unjust discrimination is not a matter of tolls in the abstract, and the board is not justified in interfering on that ground without an affirmative showing that there is actual detriment resulting from the existing toll adjustment.

Application for restoration of the milling-in-transit arrangement on United States corn, the product of which is shipped from St. Thomas to points on or via the Grand Trunk and Canadian Pacific Railway Companies.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C".

PILON V. GRAND TRUNK RY. CO.

When it appears that, at a large number of places in Ontario, under more or less similar circumstances and conditions, no extra charge is made for switching traffic from sidings located between stations, it is unjust discrimination to make an extra charge of \$3 per car for switching traffic of the applicant, a brickmaker, from a siding 2 miles distant from a station, C., who is in competition with brickmakers at said station.—*Christie, Henderson & Co. v. Grand Trunk Ry. Co.*, 9 Can. Ry. Cas. 502, followed.

For the facts, see judgment of the Chief Commissioner, Appendix "C."

ROBERTSON V. CANADIAN PACIFIC RY. CO.

Under section 338 of the Railway Act, the board is not a mere recorder of supersession, but has the right to exercise discretion based upon its judgment of the facts, and thereupon to disallow a superseding tariff, and declare the former joint tariff to be still in force.

Application to restore the toll of 42 cents per 100 pounds on mill feeds shipped from Lethbridge, Alta., via Sweet Grass, Montana, to Keremeos, B.C., over the lines of the Canadian Pacific and Great Northern Railway Companies.

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The facts are set out in the judgment of Mr. Commissioner McLean, Appendix "C."

RAILWAY CARTAGE SERVICE.

The Canadian railways, through the Canadian Freight Association, notified the board that they had given notice of their intention to cancel cartage tariffs. The different interests affected protested against the proposed change, urging that the custom of collection and delivery of freight by the railways was of long standing and that its discontinuance would necessitate a radical change in the method of handling and lead to congestion in terminals.

The board was asked to suspend the cancellation until such time as the railways "satisfied the commission that adequate facilities and accommodation" had been provided by the railways adapted to the change of conditions.

The time fixed, October 1, 1913, for the discontinuance of these cartage arrangements, was, in the opinion of the board, inopportune, and the matter was taken up with the companies with a view to arranging a more opportune date if the railways proposed in their determination to discontinue this service.

As a result of negotiations between the railways and cartage companies, the board was advised that the existing arrangement would continue, but at rates in excess of the contracts formerly existing.

Held, Mr. Commissioner McLean delivering the judgment of the board, that, while the cartage rates were quoted in tariffs filed with the board, the board had no jurisdiction over the cartage companies performing the service; that the rates upon which the service was performed for the railways were dependent entirely upon contracts over the terms of which the board had no control.

The proposed tariff being a special one, the board's affirmative approval not necessary under the Act.

BELL TELEPHONE AND INDEPENDENT TELEPHONE COMPANIES' AGREEMENT.

The consideration of an agreement between the Bell Telephone Company of Canada and Independent Telephone Companies (non-competitive), providing for a general form of contract between the parties for the interchange of telephone messages from their respective telephone systems and lines, is one that has for some considerable time engaged the attention of the board, and has been the subject of a number of hearings and much correspondence between the parties interested. An agreement having finally been reached by the parties was submitted to the board, and on the 12th November, 1913, the board approved thereof by issuing an order known as General Order No. 114; the full text of the order will be found on reference to Appendix "L" of this report. This order disposes of the matter in so far as non-competitive companies are concerned; but the board still has under consideration the question of the giving of connection in the case of competing telephone companies and the Bell Telephone Company.

CLASSIFICATION OF PEANUT BUTTER.

The Traffic Department of the Toronto Board of Trade, acting on behalf of interested shippers, applied to the board, under section 321 of the Railway Act, for an order directing railway companies to provide a carload rating as of the 4th class for peanut butter.

Section 317, subsection 3 (c), prohibits railway companies from subjecting any particular person or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever.

The railways included peanut butter in the grocery list.

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Held, that so long as the present classification continues in force, this article should receive a carload rating as does practically everything in the grocery list.

The question of a reconstruction of the whole classification was suggested, and the Shippers' Association and the railway companies intimated that that was the proper thing to do.

The Chief Commissioner, in the course of his judgment, concurred in by Mr. Commissioner McLean, expressed the view that this was a matter which should be taken up in conference between the shippers and the railways.

HOWELL CO. V. GRAND TRUNK, CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

The difference in toll treatment between two points does not necessarily create an unjust discrimination, since they are on different systems of railways. Upon comparing the toll on imported wood pulp with the toll on the local product, and taking into consideration the mileage involved and the terminal charges on the imported product, the board found that the toll on the imported product was reasonable.

Application that the increase in tolls on imported wood pulp to various points on the lines of the respondents be disallowed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

MCMAHON V. CANADIAN FREIGHT ASSOCIATION.

A railway company is justified in refusing to take shipments of C. L. and L. C. L. traffic to flag stations when consigned "to order."

Traffic to flag stations consigned "to order" should be billed to the nearest regular station short of the flag station and sent on to destination, after the endorsed bill of lading has been produced and surrendered and the freight tolls paid.

For unloading into the freight shed and reloading and for rebilling L.C.L. traffic from regular to flag stations, forwarding to and unloading at the said station, the carrier should receive the local toll between the two stations, and for C. L. traffic the through toll should be charged with an additional toll of \$3 per car for rebilling and terminal charges. The detention allowance of forty-eight hours free time is computed from the time of notice of the arrival of the car by the agent to the consignee, after which the carrier will be entitled to charge the authorized demurrage toll.

For the facts, see judgment of the Assistant Chief Commissioner, Appendix "C."

MINIMUM CARLOAD WEIGHTS ON GRAIN, GRAIN PRODUCTS AND VEGETABLES.

The board having called upon the railway companies to justify their proposed increase in the minimum weight per carload of grain, grain products, and vegetables as published in schedule suspended by the board's Order No. 116, the matter came before the board for consideration at its sittings held in Toronto on January 27, 1914, in the presence of counsel for the interested parties. Judgment was reserved, and the board subsequently issued an order (General Order No. 122) rescinding said General Order No. 116, and permitting the companies to put into effect their proposed increase.

EASTERN TOWNSHIPS LUMBER CO. V. TEMISCOUATA RAILWAY COMPANY.

Notwithstanding the provisions in the Railway Act, that tolls may be increased on thirty days' notice, the board, in sanctioning an increase, will take into consideration the effect such increase is likely to have upon existing long-term contracts

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between consignors and consignees, and will, when necessary, suspend the increase for a reasonable period so that it shall not fall unfairly upon the shipper in such cases.

The board, in dealing with an application to increase tolls, will consider the character of the railway, the nature of the traffic carried by it, average haul, average tonnage per train, and other conditions affecting its traffic, as well as the tolls charged and sanctioned upon the lines and the traffic conditions of the latter.—*International Paper Co. v. Grand Trunk, Canadian Pacific, and Canadian Northern Ry. Cos. (Pulpwood Case)*, 15 Can. Ry. Cas. 111, referred to.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

FULLERTON LUMBER AND SHINGLE CO. V. CANADIAN PACIFIC RAILWAY CO.

The board has no jurisdiction over the tolls for the transportation of commodities by carriers in a foreign country, and a joint toll in excess of the sum of the locals being *prima facie* unreasonable, it is within its jurisdiction to direct that a Canadian carrier should not, as its division of a through toll, exceed its local.

A group toll arrangement endeavours to average distance and public convenience. If each point of a group is to be singled out for special treatments on a mileage basis, then the group disappears and the points with the shortest mileage get an advantage in marketing, therefore the board cannot lightly interfere with a grouping arrangement simply on a presentation as to one portion of the arrangement.

For full facts, see judgment of Mr. Commissioner McLean, Appendix "C."

REMOVAL OF AGENTS FROM AGENCY STATIONS.

As the result of numerous complaints lodged against railway companies operating in the western provinces, regarding the removal of agents from permanent stations, the board, in the exercise of its powers under the provisions of the Railway Act, having special regard to sections 26, 28, 30 and 284, directed all railway companies subject to its jurisdiction, before removing a railway station agent, to notify the local municipalities or boards of trade of their intention to apply to the board for an order permitting such removal. The application and notice to state the grounds upon which the removal is sought to be justified, and to show, in each instance, the gross earnings for passenger and freight traffic and express business for the year previous. The order further directed that no railway station agent should be removed until such removal was first authorized by the board.

REGINA TOLL CASE.

The Regina Board of Trade applied under sections 314 and 339 of the Railway Act for a reduction in the tolls on classes one to ten, inclusive, from the head of the lakes to Regina, alleging that there was unjust discrimination against the applicant in favour of Winnipeg and other points in Manitoba.

All tolls are fixed to the west at Fort William and Port Arthur, the basing points at the head of the lakes, in competition with Duluth and Minneapolis, similar points in the United States. The Canadian Northern Railway Company, one of the respondents, entered into an agreement with the Government of Manitoba, providing that in consideration of the guarantee of certain bonds of the respondent it would reduce its tolls to about 15 per cent of its tariff tolls on all freight other than grain to Fort William and Port Arthur from points in Manitoba and vice versa.

The Canadian Pacific Railway Co., the other respondent, reduced its tolls in a similar manner through stress of competition. The last-named respondent also reduced its tolls voluntarily between the Manitoba boundary and Canmore and the Crowsnest; and in consideration of a subsidy to the Crowsnest Pass line from the

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Dominion Government agreed to reduce its tolls from Fort William and points east to points west thereof.

The respondents contended that the circumstances and conditions were not substantially similar and that they were justified in charging a higher toll per ton mile to Regina than to Winnipeg, and that under the agreements above mentioned Regina was not entitled to the benefit of the reductions made by the respondents. It was also contended that the greater density of traffic from the head of the lakes to Winnipeg and other Manitoba points than to Regina, justified the lower toll basis. That Winnipeg being a wholesale and distributing point had a vested right to tolls on a lower basis than Regina.

Held, (1) That no agreements as to tolls could defeat the prohibitions and obligations imposed by sections 77 and 315 of the Railway Act.

(2) That the reductions were brought about by the different agreements, and not because of a greater density of traffic.

(3) That Regina as much as Winnipeg was a distributing point within its own zone.

(4) That the special class freight tariffs of the respondents from Fort William and Port Arthur unjustly discriminated in favour of Winnipeg and other Manitoba points to the prejudice and disadvantage of Regina and points west of the Manitoba boundary.

The judgments of the Assistant Chief Commissioner, appearing in Appendix "C" recites the facts fully.

ONTARIO AND MANITOBA FLOUR MILLS V. C.P.R. CO.

The board, in the exercise of its jurisdiction to prevent unjust discrimination, has power to order that milling-in-transit be allowed to flour-mill owners applying therefor, upon proof that circumstances and conditions with respect to the traffic from the applicants' mill are substantially similar to those of mills already enjoying such rate.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, Appendix "C."

CANADIAN CAR SERVICE. RULE 2.

Complaints were made to the board involving the interpretation of rule 2 of the Canadian Car Service Rules. The position taken by the railway companies was that the consignee should have entered the car within twenty-four hours after its arrival, and having failed to do so should pay demurrage. Clause D of rule 2 provides that "twenty-four hours' additional free time" shall be allowed "for clearance of customs where the destination is a port of entry, making the allowance for clearance of customs and for giving, placing, or delivering orders, forty-eight hours in all."

Held, That, under the rule, the forty-eight hours for unloading runs from the termination of the time allowed for clearance of customs.

For reasons for judgment, see judgment Mr. Commissioner McLean, Appendix "C."

SWITCHING CHARGES AND PRACTICES.

The question of general interswitching is one that has been engaging the attention of the board for some considerable time, and on July 30, 1913, the board issued circular No. 120, which was sent to all steam and electric railway companies subject to its jurisdiction, as well as to other interested parties. This circular asked, among other things, that the railway companies should make their written submissions on the whole question of interswitching, both as to practices and rates, and called attention to the fact that in addition to the question of interswitching, the board had received many complaints as to the local practices and charges.

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The board also required the submissions of the companies as to what rules and practices should be followed and charges made for services of this character at all points of sufficient magnitude on the lines of the respective railway companies to necessitate a local switching movement.

As some of the objections raised by the companies as to switching movements of both cases were based on the insufficiency of the toll, the board desires the submissions of the companies to indicate the principle that, in the opinion of the companies, should be observed in arriving at a rate basis, supported by particulars of the cost the companies are put to in illustrative movements. This important matter is still receiving consideration at the hands of the board, and the board hopes to have it finally disposed of at an early date.

APPEALS FROM DECISIONS OF THE BOARD.

For the year ending March 31, 1914, there were three appeals made to the Governor in Council from decisions of the Board. That is to say, an appeal by the Canadian Pacific Railway Company from the board's order of February 19, 1913, in connection with an application of the Mountain Lumber Manufacturers' Association respecting lumber rates. This appeal, however, was subsequently withdrawn.

The second appeal was that of the corporation of the city of Toronto, Ont., from two orders of the board, dated June 25, 1912, and numbered respectively 16842 and 16846, in connection with the disposition of the matter of the North Toronto Grade Separation, Yonge street subway. This appeal was dismissed.

The third appeal was that of the Grand Trunk Pacific Railway Company from an order of the board, dated May 14, 1913, in connection with the company's application for the approval of the location of its station site at Prince George, B.C. This appeal was also refused by the Governor in Council.

There were no appeals for the year to the Supreme Court of Canada.

The list of appeals from the board's decisions to the Supreme Court, since its inception to date, will be found under Appendix "K" to this report.

ORDERS, GENERAL ORDERS AND CIRCULARS.

The total number of orders issued during the year ending March 31, 1914, was 2,597, which shows a decrease of 188 orders from the preceding year. Included in this total were twenty-three general orders, which is an increase of sixteen over the general orders issued for the preceding year. The number of general circulars issued by the board, directed to all railway companies subject to its jurisdiction, for the year was twenty-three, as compared with fourteen for the preceding year. The general orders as distinguished from other orders issued by the board, are those affecting all railway companies subject to the board's jurisdiction. A list of the general orders and circulars of the board for the year ending March 31, 1914, will be found under Appendix "L" to this report.

JUDGMENTS OF THE BOARD.

A summary of the principal judgments of the board, prepared by the law clerk, Mr. A. G. Blair, will be found under Appendix "C."

APPLICATIONS TO THE BOARD.

The total number of applications, including informal complaints made to the board, for the year ending March 31, 1914, was 5,566, which shows a decrease from the preceding year of 185. Under Appendix "J" will be found a table classifying the applications and complaints made to the board under the various sections of the Railway Act. It will be noted in this connection that the number of informal com-

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plaints received and dealt with by the board for the year shows an increase of fifty-two as compared with the previous year. A detailed statement of these complaints, disposed of without a formal hearing, will be found under Appendix "A" to the report.

TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the board the number of tariffs received and filed for the year ending March 31, 1914, were as follows:—

Freight tariffs including supplements.....	72,426
Passenger tariffs including supplements.....	10,044
Express tariffs including supplements.....	9,817
Telephone tariffs including supplements.....	1,703
Sleeping and parlor car tariffs including supplements.....	74
Telegraph tariffs and supplements.....	22

This makes a total of 94,086 for the year, as compared with a previous total for the year ending March 31, 1913, of 76,058, being an increase of 24,028 tariffs. The total number of tariffs filed from February 1, 1904, to March 31, 1914, is 489,025. The details in regard to the tariffs will be found under Appendix "D" of this report.

ENGINEERING DEPARTMENT OF THE BOARD.

In the Engineering Department of the board a large number of inspections were made covering the whole Dominion. These inspections for the hearing ending March 31, 1914, number 451 and cover inspections for the opening of a railway for the carriage of traffic, in accordance with the requirements of section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways, and general inspections falling within the general scope of the work of the Engineering Department of the board.

OPERATING DEPARTMENT OF THE BOARD.

Under the Operating Department of the board is included the inspection of locomotive boilers and their appurtenances, which has been carried on systematically during the year, and it is apparent, from the small number of accidents that have been reported in this connection, that the railway companies are complying with the requirements of the board's order No. 14115, as per the monthly and annual reports for each locomotive filed with the board.

It should also be noted that the inspection of fire-protective appliances and safety appliances on locomotives, under general orders of the board Nos. 102 and 107, shows that these very important features are being carefully watched. Systematic inspection of station buildings and grounds has also been carried on throughout the year under the supervision of the officers of this department, in addition to the inspection of passenger equipment relating to sanitary conditions at stations.

The board's inspectors, in addition to the above-mentioned matters, have also inquired into complaints of a general character, referred to the department by the board, to a number of 800, and have also reported upon a large number of matters which come under their observation while doing other work, and which taken up in an informal way have been settled directly with the railway companies by the board's officers.

The activity displayed by certain of the railway companies subject to the board's jurisdiction in connection with the "Safety First" movement is commendable, and its extension to a greater number of lines is recommended and urged.

In connection with the investigation of accidents which comes under this department, the total number of killed and injured reported by the various railway companies subject to the jurisdiction of the board for the year ending March 31, 1914, was 2,493; that is to say, 594 persons were killed and 1,899 were injured.

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The following is a table giving comparisons between the total number of passengers carried by the railway companies, the number of passengers killed and injured, and the same information as to employees, and as to trespassers, showing the number of trespassers killed and the relative percentage thereof to the total number of persons killed for the year. The figures giving the total number of passengers and employees are for the year ending June 30, 1913.

PASSENGERS.

No. of Passengers carried on Railways.	No. of Passengers killed.	No. of Passengers injured.
46,185,968	31	339

EMPLOYEES.

No. of Employees with Railways.	No. of Employees killed.	No. of Employees injured.
178,652	249	1,250

TRESPASSERS.

No. of Trespassers killed,	Per cent of Trespassers killed to total of 594.
238	40

It will thus be noted that of what may be termed the preventable loss, 238 killed under the heading of trespassers is a very large percentage of the total killed, and in this connection the board has, through the Attorney Generals of the various provinces, taken up the question of prosecuting trespassers on railway property with a view to limiting the large number of fatalities which occur in this way.

The following table shows the totals by provinces as regards trespassers killed and injured for the year ending March 31, 1914:—

Province.	Killed.	Injured.
Ontario	129	105
Quebec	34	20
Manitoba	13	9
Saskatchewan	13	10
Alberta	17	8
British Columbia	32	11
Nova Scotia		1
New Brunswick		
Yukon		
Total	238	164

A full and detailed report of the Operating Department of the board will be found under Appendix "F".

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FIRE INSPECTION DEPARTMENT OF THE BOARD.

The work of the Fire Inspection Department has been continued during its second season, along substantially the same lines as those upon which it was organized in May and June, 1912. Co-operation has been continued with the forest and fire-protective organizations of the Dominion and Provincial Governments, and this co-operation has been extended in both Eastern and Western Canada, until nearly sixty of the field officials of such organizations have been appointed officers of the board's Fire Inspection Department. In this way has been handled a very large percentage of the detailed field inspection in connection with right of way clearing, establishment and maintenance of patrols, reporting and extinguishing of fires by railway employees, and the construction of fire guards.

The organizations which have co-operated with the board on the above basis are as follows: Dominion Forestry Branch, Dominion Parks Branch, British Columbia Forest Branch, Department of Agriculture of Alberta, Attorney General's Department of Saskatchewan, Department of Lands, Forests and Mines of Ontario, Department of Lands and Forests of Quebec, and Crown Lands Department of New Brunswick.

Regulations in regard to fire protection which were formerly set out in the board's order No. 16570 will now be found under the board's general order No. 107 issued under date of July 4, 1913, which has amended certain defects contained in the original order. It should also be stated that in general sympathetic co-operation has been given by the railway companies in the carrying out of the board's general order.

The chief fire inspector has prescribed the establishment of special fire patrols in forest sections where the hazard was considered sufficiently great to justify such action. These measures have been supplemented by the issuance of instructions to railway employees relative to reporting and extinguishing fires occurring within 300 feet of the railway track.

Marked improvement has been shown in the conditions of railway rights of way, large amounts of inflammable debris having been disposed of under the provisions of section 297 of the Railway Act.

The requirements relative to fire-guard construction have been somewhat modified, as a result of a joint conference held by the chief fire inspector with representatives of the Grain Growers' Associations of Alberta, Saskatchewan, and Manitoba, and officials of the railway companies concerned. The reports received indicate that a total of 3,899 lineal miles of fire-guards were constructed or maintained by railway companies in the Prairie Provinces.

A total of 732 fires are reported as having started within 300 feet of railway track, throughout the Dominion, during the fire season of 1913. These fires burned over a total area of 21,528 acres, of which 19,984 acres, or 93 per cent, was young forest growth, and only 945 acres, or 4.4 per cent of the total area was merchantable timber land. The total value of property destroyed by the above fires was \$40,779, of which \$6,910 was for merchantable timber, and \$23,235 was the estimated value of young forest growth destroyed. By no means all the above fires are chargeable to railways, since out of the total of 732 fires, only 373, or 51 per cent were reported as having been caused by trains. Forty-seven fires are reported as due to tramps, camp-fires, etc., and ninety-one to other known causes. Those of which the cause is unknown or not reported make up the balance. The above represents a very distinct improvement over the situation in 1912 and previous years.

ROUTINE WORK OF THE BOARD.

RECORD DEPARTMENT.

No changes have been made in connection with the clerical staff of this department since the publication of the last annual report. Below is given a table setting

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forth the number of applications, informal, complaints, filings and letters received during the year ending March 31, 1914, together with the number of orders issued.

Number of applications made.. . . .	4,605
Number of informal complaints.. . . .	961
Total number of files made during the year.. . . .	5,566
Total number of files made during the previous year.. . . .	5,751
Decrease.. . . .	185
Number of filings received during the year.. . . .	44,866
Number of filings received during the previous year.. . . .	44,570
Increase.. . . .	296
Number of letters sent during the year.. . . .	39,738
Number of letters sent during the previous year.. . . .	37,773
Increase.. . . .	1,965
Numbers of orders issued during the year.. . . .	2,597
Numbers of orders issued during the previous year.. . . .	2,785
Decrease.. . . .	188

Under Appendix "J" will be found a table classifying the applications, complaints, etc., made to the board under the various sections of the Railway Act, compiled by Mr. F. R. Demers, clerk in charge of the Statistical Branch.

Under Appendix "K" will be found a list of cases appealed to the Supreme Court and to the Governor in Council since the 1st of February, 1904.

OBITUARY.

Since the publication of the last annual report the board has been deprived, through death, of the services of its former chief operating officer, Albert J. Nixon, who died suddenly from heart failure on the evening of the 12th of January, 1914. Mr. Nixon had served some four and a half years as chief operating officer of the board, he having been appointed in July, 1909, and during his time of service had proved himself a capable and efficient officer, and his sudden and untimely death deprived the board of the services of one of its most valued officials. The vacancy caused by his death has been filled by the promotion of Mr. Geo. Spencer, of the board's staff, to be chief operating officer of the board.

APPENDIX A.

LIST OF COMPLAINTS FILED WITH THE BOARD OF RAILWAY COMMISSIONERS, YEAR ENDING MARCH 31, 1914.

3836. Delay of the Grand Trunk Railway in supplying empty cars to a Toronto siding, when said cars are to be destined to points on railways other than the Grand Trunk.

3837. Excessive freight rate charged on car of coal between Guelph and Fergus, Ont., on the Grand Trunk railway.

3838. Routing given by the Dominion Express Company to a parcel of furs shipped from Cardigan, N.B., to Corry, Pa.

3839. Proposed removal of Maharg station (formerly Calgary Junction, Alta.) by the Canadian Pacific Railway.

3840. Amount offered by the Galt, Preston and Hespeler Railway for piece of land contiguous to their railway in Galt, Ont.

3841. Delay of the Grand Trunk Railway Company in settling claim for a box of patterns lost in transit from Owen Sound to Belleville, Ont.

3842. The Dominion Express Company collecting express charges at destination on a prepaid shipment billed from Belleville, Ont., to Rossland, B.C.

3843. The Dominion Express Company's charges on an automobile shipped from Winnipeg, Man. to Montreal, Que.

3844. The Grand Trunk Railway's inability to have sufficient empty cars supplied at Hull station, Quebec.

3845. Unsatisfactory train service at Findley Station, Ontario, on the Grand Trunk railway.

3846. Alleged excessive freight rate charged by the Canadian Pacific Railway on a motorcycle shipped from Port Arthur to London, Ont.

3847. The Dominion Express Company, for alleged excessive charges on child's rocking chair shipped from Saskatoon to Blucher, Sask.

3848. Dangerous condition of Canadian Pacific Railway crossing the March road, near Ottawa, Ont.

3849. The Canadian Pacific Railway, for goods stolen in transit from Germany to New Brigden, Alta.

3850. The obstruction to traffic caused by shunting operations of the Grand Trunk Railway at the intersection of Notre Dame and St. Ferdinand streets, Montreal, Que.

3851. Dangerous condition of crossing of the Canadian Pacific Railway at the town line road near Blandford Station, Ont.

3852. Delays in transit to shipments of freight on the Canadian and Intercolonial railways.

3853. Car shortage on the Windsor, Essex and Lake Shore Rapid railway.

3854. Delay of the Canadian Express Company in settling claim for loss of poultry on account of detention in transit between Gelert, Ont., and Toronto, Ont.

3855. Alleged excessive freight rates on firebrick shipped from Toronto, Ont., to Cochrane, Ont., via the Grand Trunk and Temiskaming and Northern Ontario railways.

3856. The dangerous condition of the high voltage electric wires which cross the Michigan Central Railway tracks at Montrose Junction, Ont.

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3557. The Grand Trunk Railway freight cartage service in the city of Toronto, Ont.

3558. Increased switching rates on brick charged by the Grand Trunk Railway in Toronto, Ont.

3559. Delay of the Canadian Northern and Canadian Pacific Railways in settling for car of wood lost in transit between Sleeman, Ont., and Winnipeg, Man.

3560. The Canadian Pacific Railway closing a road depot at Okanagan Landing, B.C.

3561. Unsatisfactory train service furnished by the Brockville, Westport and Northwestern Railway at Brockville, Ont.

3562. The refusal of the Bell Telephone Company to install a telephone in a residence on Bordeaux street, Montreal, Que.

3563. The condition of road-bed on the Brockville, Westport and Northwestern Railway.

3564. Lack of notices or announcements as to destination of trains running small stations outside of Toronto on the line of the Canadian Pacific Railway.

3565. The freight rate of the Atlantic, Quebec and Western Railway between Metapedia and Ste. Adelaide de Pabos, Que.

3566. Refusal of the Grand Trunk Pacific Railway to settle for horses killed on their right of way due to lack of cattle guards.

3567. The charges on local switching and inter-switching at Winnipeg, Man.

3568. The delay in transit to box of goods shipped from Scotland to London, Ont., via the Canadian Pacific Railway from St. John, N.B.

3569. The Canadian Northern Railway, for not removing snow fences from property at Somerset, Manitoba.

3570. The dangerous crossing of the Canadian Northern Railway across the Fort William road, about half way between Fort William and Port Arthur, Ont.

3571. Delays of railways in presenting bills for icing refrigerator cars.

3572. Unsatisfactory conditions with regard to loading and unloading cars at Simpson Pit siding on the Grand Trunk Railway near Killaloe, Ont.

3573. Unsafe condition of engines on the Saskatchewan division of the Canadian Pacific Railway.

3574. The Canadian Northern Railway, for non-settlement for right of way on the Canora-Sturgis branch.

3575. Railway warehouse storage charges in Ottawa, Ont.

3576. The delay of the Canadian Northern Railway in settling claim for apples frozen in transit.

3577. The Canadian Express Company's rates on cream.

3578. The Niagara, St. Catharines and Toronto Railway and Grand Trunk Railway for discrimination in favour of certain firms and not supplying sufficient cars for the forwarding and delivering of freight.

3579. Freight rates from Fonthill, Ont., to Merriton, Welland, Toronto, Port Robinson, Thorold, and points on the Grand Trunk Railway, Toronto, Hamilton and Buffalo Railway and the Niagara, St. Catharines and Toronto Railway.

3580. Freight rate charged by the Canadian Pacific Railway on an automobile, shipped with settler's effects, from Bulyea, Sask., to Vancouver, B.C.

3581. The Dominion Atlantic Railway agent at Wolfville, N.S., refuses to count shipment and will not sign bill of lading except with shippers' count clause inserted.

3582. Prince Albert, Sask., not having a through-rate tariff, goods being rebilled at Saskatoon, and consignees having no way of checking up advance charges.

3583. Lack of proper drainage at Cardale, Man., on the Canadian Northern Railway.

3584. No shelter provided for passengers at Rideau, B.C., on the Great Northern Railway.

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3885. Grand Trunk train despatcher allowing an engine to run from Fort Covington, N.Y., to Huntingdon, Que., in charge of unqualified men.

3886. Great Northern Railway running through property without providing gates at farm crossings near Rideau siding, Grand Forks, B.C.

3887. Bell Telephone Company's rates for residence telephone at Mimico, Ont.

3888. Dominion Express Company's charge on an egg crate shipped from London, Ont., to Shawville, Que.

3889. Manifest fee charged on express parcels shipped from the United States into Canada, and alleged excessive express rates charged between the two countries.

3890. The cartage charges at Prince Albert, Sask.

3891. Alleged excessive freight rate charged by the New York Central Railway on goods shipped from Highlands to Valleyfield, Que.

3892. The Canadian Northern Ontario Railway not providing proper farm crossings in the township of Camden, Ont.

3893. Canadian Pacific and Canadian Northern Railway train connections at Saskatoon, Sask.

3894. The delay in transit to car of buggies shipped from Brantford, Ont., to Arran, Sask., over the lines of the Toronto, Hamilton and Buffalo, Canadian Pacific, and Canadian Northern Railways.

3895. Cartage conditions at Toronto, Ont., resulting from railway cartage teamsters' strike.

3896. Drainage conditions caused by blocking of culvert on the Canadian Northern Wroxton to Yorkton extension.

3897. Unsatisfactory drainage provided by the Canadian Pacific Railway at a subway on a road running north of the village of Newcastle, Ont.

3898. Freight rate charged by the Canadian Pacific Railway on three cars of potatoes shipped from Pocomoke, Md., to Montreal, Que.

3899. Delay in transit to car of lumber shipped from Deschenes, Que., to Toronto, Ont., via the Canadian Pacific Railway.

3900. Failure of the Grand Trunk Pacific Railway to provide facilities for a highway crossing over their yard tracks at Redditt, Ont.

3901. The demurrage charges assessed by the Canadian Pacific Railway on a car unloaded within four hours after the free time allowance.

3902. Refusal of the Canadian Pacific Railway to settle for horses killed on their right of way at Lockwood, Sask.

3903. Delay in transit in shipment of goods from Windsor to Orillia, Ont., over the line of the Grand Trunk Railway.

3904. Refusal of the Grand Trunk Railway to settle claim for excess charges on a car of corn shipped from Chicago, Ill., to Peterboro, Ont.

3905. Dangerous crossing over the line of the Canadian Pacific Railway at Victoria street, Shelburne, Ont.

3906. Dangerous crossing over the line of the Canadian Pacific Railway at Main street, Shelburne, Ont.

3907. Passenger accommodation and passenger cars provided by the Grand Trunk Pacific Railway from Prince Rupert inland.

3908. Express rates on fruit, incoming and outgoing, in the province of British Columbia.

3909. Proposed advance in freight classification on dump wagons.

3910. The advance in freight rates on crushed stone, sand, etc., shipped to Montreal, Que.

3911. Alleged excessive express rates charged by the Dominion and Canadian Express Companies on consignment of grass seed shipped from Navan to Huntsville, Ont.

3912. Alleged excessive express rates charged by the British American Express Company to points on the Algoma Central Railway.

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3913. The Canadian Pacific Railway engines setting fires to grazing lands at Viceroy, Sask., and employees burning fire-guards without proper precautions.

3914. Delay of the Great Northern Railway in settling for flax seed lost in transit from Starkweather, N.D., to Forest, Ont., via Great Northern and the Chicago, Minneapolis and St. Paul Railways.

3915. Delay of the Canadian Pacific Railway in settling for damages done to property at Alameda, Sask., by reason of snow fences being left erected beyond the required time.

3916. Grand Trunk Pacific Railway rates on a shipment of cordwood from Roundcroft, Alta., to Edmonton, Alta.

3917. Lack of proper fire guards on the Canadian Northern Railway in the vicinity of Strathmore, Alta.

3918. Canadian Express Company's inattention to claims for overcharges.

3919. Refusal of the Dominion Atlantic Railway to carry out its contract with regard to "unlimited" tickets.

3920. The Dominion Atlantic Railway not having its coaches sufficiently warmed.

3921. The Dominion Atlantic Railway discriminating in favour of tourists from the United States with regard to excursion fares.

3922. The Père Marquette Railway Company, for placing time limit for loading fish at different points along their line.

3923. Alleged excessive freight rate charged by the Canadian Northern Railway between Winnipeg and Kitseoty, Alta.

3924. Alleged excessive freight rates charged on a car of seed oats shipped from Rokely to Margo, Sask., over the Canadian Pacific, Grand Trunk Pacific and Canadian Northern Railways.

3925. The Chatham, Wallaceburg and Lake Erie Railroad for the unsatisfactory handling of car of corn shipped from Pain Court, Ont., to Hensall, Ont.

3926. The unsatisfactory manner in which the American Express Company handles empty milk cans between Welland, Ont., and St. Anns, Ont.

3927. No provision being made, by Railway Companies in their new tariffs, for crockery, except under regular class rate (covering import shipments via Montreal and Quebec).

3928. The Grand Trunk Railway Company's train service between Haliburton and Lindsay, Ont.

3929. Canadian Pacific freight rate on cattle shipped from Bellamy's Station, Ont., to Kazabazua, Que.

3930. Delay in transit to a consignment of seed shipped from Chicago, Ill., to Bothwell, Ont., via the Grand Trunk Railway.

3931. Refusal of the Canadian Northern Railway to install a farm crossing on a farm at Spruce Grove Centre, Alta.

3932. Delay of the Canadian Pacific Railway in handling tracers for shipments.

3933. Refusal of the Canadian Pacific Railway to entertain claim for damages done to property at Viceroy, Sask., by contractors of the said railway.

3934. Freight classification of iron and steel materials for bridges and construction work.

3935. The alleged refusal of the Canadian Northern Ontario Railway to compensate owner for extra land taken at Ottawa street, Richmond, Ont.

3936. Unsatisfactory service of the American Express Company with regard to the handling of empty milk cans between Welland and St. Anns, Ont.

3937. Alleged excessive freight rate charged by the Canadian Northern Railway on stock and settlers' effects shipped from St. Rose du Lan, Man., to Cluny, Alta.

3938. Delay of the Intercolonial Railway in handling shipment of trees from Halifax, N.S., to Montreal, Que.

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3939. Rates charged by the Bell Telephone Company for private wire connecting their works with private exchange.

3940. The Canadian Pacific Railway Company's proposed extension of telegraph line from Port McNicoll to Midland, Ont., on the same side of the road as the high tension wires of the Simcoe Railway and Power Company.

3941. Unsatisfactory condition of the road bed of the Brockville, Westport and Northwestern Railway.

3942. Unsatisfactory lighting of Vaudreuil Station, Que., and other stations in the vicinity of Dorion Village, Que., on the Grand Trunk and Canadian Pacific Railways.

3943. The Canadian Pacific Railway constructing telegraph line on the same side of the road as the high tension wires of the Simcoe Railway and Power Company, running into Midland, Ont.

3944. Railway charges for cartage in the city of Winnipeg, Man.

3945. Car shortage on the line of the Quebec Oriental Railway at Richmond and Bonaventure, P.Q.

3946. Car shortage on the line of the Michigan Central Railway at Hagersville, Ont., also alleged excessive switching charges at that point.

3947. The Canadian Pacific Railway proposed straightening of main line, Oakshella to Grenfell, through private property without any notice being given or any compensation being provided for.

3948. Proposed Special Tariff covering rates on clay to be put into effect on May 16th, 1913, by the Grand Trunk Railway.

3949. Unsatisfactory train service on the Kootenay Central Railway (Canadian Pacific Railway) between Elko and Fort Steele, B.C.

3950. Delay of the Canadian Northern Railway in handling a car of grain from Donalda, Alta., to Port Arthur, Ont.

3951. Railway Companies compelling claimants to deliver up to them the straight bill of lading as well as original expense bill covering shipment for which claim is made.

3952. Loss of section of a kitchen cabinet en route from Hamilton, Ont., to Naseby, Sask., over the Canadian Pacific Railway.

3953. The Canadian Pacific Railway Company not giving the five cent per bushel rate on wheat from any other lake elevator than Port McNicoll when same is destined to Montreal for export.

3954. The Canadian Pacific Railway not fencing the North side of their right of way at mile 87.6 between Banff and Laggan, Alta.

3955. Car shortage on the Temiscouata Railway.

3956. Alleged excessive freight rate charged on car of oats shipped from Thackeray, Sask., to Emo, Ont., via Canadian Pacific and Canadian Northern Railways.

3957. Rate charged by the Bell Telephone Company for telephone connection between Cambray, Ont., and Lindsay, Ont.

3958. Car shortage at Barry's Bay, Ont., on the Grand Trunk Railway.

3959. Lack of proper fire guards on the Goose Lake branch of the Canadian Northern Railway in the vicinity of Hanna, Alta.

3960. Shortage of cars suitable for shipment of stone at St. Marys, Ont., on the Grand Trunk Railway.

3961. Freight rates charged by the Grand Trunk Pacific Railway Company between Clover Bar and Edmonton, Alta., and the inadequate facilities for weighing cars at Edmonton, Alta.

3962. Unsatisfactory method Carriers and Transportation Companies have of dealing with claims for shortage and goods damaged in transit.

3963. Freight rates on lumber from Cincinnati to Uxbridge, Ont., over the Grand Trunk Railway.

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3964. Delay of the Canadian Pacific Railway in settling for some plow parts lost in transit between Winnipeg, Man. and Hume, Sask.

3965. Proposed increase in grain loading charge embodied in Canadian Pacific Railway Company's Supplement No. 5 to C.R.C. 2538.

3966. The Bell Telephone Company's interchange agreement, with respect to tolls specified in clauses nine and seventeen.

3967. The Grand Trunk and Michigan Central Railway Companies making no reply to an application to carry telephone wires across their lines of railway in the townships of Bertie and Willoughby, Ont.

3968. Delay in transit to a car of grain from Bounty, Sask., to Port Arthur, Ont., over the Canadian Pacific Railway.

3969. Unsatisfactory drainage provided by the Canadian Northern Quebec Railway Company in the parish of St. Joseph de Deschambault, Que.

3970. Car demurrage being assessed by the Grand Trunk Railway Company on a tank car held on a siding at Onondaga, Ont., until the roads leading thereto were made passable.

3971. Damage to property at Keddleston, Sask., caused by a fire started by the Canadian Pacific Railway.

3972. Unsatisfactory condition of a ditch on the north side of the Canadian Northern Railway in the Township of Atwood, Ont.

3973. Freight rate charged by the Canadian Pacific Railway on shipments of brick from Portage la Prairie, Man., to points in Saskatchewan and Alberta.

3974. Crude class of ear seals used by railway companies.

3975. Switching rates in the city of Toronto, Ont., alleged excessive freight rates on lumber, and inability of the Canadian Northern Ontario Railway to supply cars at the time wanted.

3976. Unsatisfactory collection and delivery service of the Canadian Express Company at St. Thomas, Ont.

3977. Delay of the Great Northern Railway Company in fencing their right of way in the vicinity of Creston, B.C.

3978. Delay of the Canadian Northern and Canadian Pacific Railway Companies in handling live stock, and having particular reference to a shipment from Ottawa to Port Arthur, Ont., over the Canadian Pacific Railway.

3979. Freight rate and classification on a shipment of marble from Rutland, Vt., to Calgary, Alta., via Canadian Pacific Railway.

3980. Condition of shelter at Dufresne, Man., on the Canadian Northern Railway.

3981. Unsatisfactory freight service and delay in the transportation of goods shipped from Norwich, Ont., over the Grand Trunk Railway.

3982. Delay of the Grand Trunk Railway Company in settling claim for an enamelled bath tub damaged in transit from Port Hope, Ont., to Bowmanville, Ont.

3983. Express rates charged on a small parcel shipped from Pembroke, Ont., to Emo, Ont., by the Canadian Northern and Dominion Express Companies.

3984. Excessive passenger rates charged by the British Columbia Express Company between Quesnel, B.C., and Fort George, B.C.

3985. Unsatisfactory train service provided by the Grand Trunk Railway Company at Randall, Ont.

3986. Delay in transit to shipment of castings from Oshawa, Ont., to Guelph, Ont., over the Grand Trunk Railway.

3987. Unsatisfactory location of Canadian Pacific Railway Company's station at Brechin, Ont.

3988. Dangerous highway crossing over the tracks of the Toronto, Hamilton and Buffalo Railway at West Hamilton, Ont.

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3989. Canadian Northern Railway Company's cartage charges in the city of Winnipeg, Man.

3990. Delay of the Canadian Pacific Railway Company in tracing shipment of steam cookers billed from Toledo, Ohio, to Brithdir, Sask.

3991. Lack of proper fencing and cattle guards on the Rossmore branch of the Canadian Northern Railway.

3992. Excessive storage charges of the Canadian Pacific Railway at New Westminster, B.C.

3993. Refusal of the Grand Trunk Railway to place any more cars on the town siding at Cobourg, Ont.

3994. Freight rates on sand from various points on the Grand Trunk and Canadian Pacific Railways to Guelph, Ont.

3995. Dangerous condition of the tracks of the Canadian Northern Quebec Railway in the vicinity of Grande Mere, Que.

3996. Form of siding agreement of the Michigan Central Railway Company.

3997. Unsatisfactory condition of cattle pass and farm crossing in the township of Camden, Ont., on the Canadian Northern Ontario Railway.

3998. Fencing on the Midland Division of the Great Northern Railway.

3999. Refusal of the National Transcontinental Railway Commission to provide siding accommodation near Point Blanc, Que.

4000. Action of the Grand Trunk Railway Company in taking possession of a car of coal shipped over their line for private use.

4001. Unsatisfactory freight classification of binder twine, wagons, and mixed implements.

4002. Unsatisfactory freight service furnished by the railway companies handling shipments from Kincardine, Ont., to Petrolia, Barrie, Toronto and St. Catharines, Ont.

4003. Dangerous practice of railway employees leaving vestibule doors open on coaches while trains are in motion.

4004. Unsatisfactory train service furnished by the Canadian Pacific Railway to and from Adamsville, Que.

4005. Delay in the transportation of freight between Toronto, Ont., and Grass Hill, Ont., over the Canadian Pacific Railway.

4006. Unsatisfactory train service provided by the Grand Trunk Railway Company between Belleville and Peterboro, Ont.

4007. Lack of platform and freight shed accommodation provided by the Grand Trunk Pacific Railway Company at Fort Qu'Appelle, Sask.

4008. Loss and inconvenience caused by delay of the Canadian Northern Railway in handling shipment of seed from the United States to Fort Saskatchewan, Alta.

4009. Delay in the transportation of shipments handled by the Canadian Pacific Railway Company from Toronto, Ont., and Montreal, Que., destined for Fort Qu'Appelle, Saskatchewan.

4010. Index to the Bell Telephone Company's Directory at Kingston, Ont.

4011. Canadian Northern Railway Company's engines setting fire to property at Plumas, Man., by emitting sparks from smokestack.

4012. The Canadian Northern Railway Company taking land required for spur purposes without the owners' consent in the vicinity of Prince Albert, Sask.

4013. Proposed change in location of the Canadian Pacific Railway Company's station at Hudson, Que.

4014. The Quebec, Montreal and Southern Railway Company for dismissing a conductor who refused to pass a train register station.

4015. Delays of the American Express Company in handling a shipment from Boston, to St. John, N.B.

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4016. Delay of the Canadian Northern Railway Company in placing cattle guards and fences through property in the vicinity of Delroy, Alta.

4017. Bridge across the Irrigation Canal at Calgary, Alta., being torn down thus removing the easy access of property owners to Canadian Pacific Railway Company's shops at that point.

4018. The Great Northern Railway Company interfering with traffic on highway near Crescent, B.C.

4019. The removal of telephone from the freight office of the Grand Trunk Railway Company at Thorold, Ont.

4020. Unsatisfactory condition of Canadian Pacific Railway Company's culvert at the Seventh Concession Line, township of Tecumseh, Ont.

4021. Delay of the Grand Trunk Pacific Railway Company in completing its railway to Moosejaw, Sask.

4022. Refusal of the Canadian Northern Railway Company to install a subway crossing in the Rural Municipality of Lumsden, No. 189.

4023. Drainage conditions on the Grand Trunk railway between the station and eastern subway at Trenton, Ont.

4024. Freight overcharge and delay in transportation to a car of oats shipped to Lac St. Jean, Que., over the Quebec and Lake St. John railway.

4025. Unsatisfactory condition of culverts under the Canadian Northern and Canadian Pacific railways in the Village of Maryfield, Sask.

4026. Alleged excessive freight rate charged on truck and baby carriage shipped over the Canadian Pacific Railway from Victoria, B.C., to Woodstock, Ont.

4027. Lack of fencing on the Canadian Northern Railway Company's right of way near Vassar, Man.

4028. Unsatisfactory train service provided by the Canadian Pacific railway at Bisco, Ont.

4029. Unsatisfactory condition of Canadian Northern Railway Company's yards at Kenaston, Sask.

4030. Alleged excessive freight rates on lumber shipped from the Southern States over the Grand Trunk railway to Midland, Ont.

4031. Blocking of highway crossing at Oreadia, Sask., by the Canadian Pacific Railway Company's freight trains.

4032. Delay of the Canadian Northern Railway Company in settling for goods lost in transit between Winnipeg, Man., and St. Joseph, Man.

4033. Alleged dangerous condition of loading platform at Hayter, Alta., on the Canadian Pacific railway.

4034. Unsatisfactory condition of Grand Trunk Pacific Railway Company's right of way on Empire avenue, Fort William, Ont.

4035. Refusal of the Canadian Pacific Railway Company to switch a car to the Grand Trunk Railway Company's tracks at Brampton, Ont.

4036. Refusal of the Grand Trunk Pacific Railway Company to have objectionable party removed off property which they sold at Edson, Alta.

4037. Refusal of the Canadian Pacific Railway Company to allow a fireman to run a locomotive until he had passed his examination as locomotive engineer.

4038. The Canadian Northern Railway for refusing to settle for horses killed on their right of way on account of lack of cattle guards.

4039. Lack of fencing on the Canadian Northern railway in the vicinity of Delia, Alta.

4040. The Dominion Express Company, for withdrawing carload rate on Canadian fruit from Sunas to Calgary, Alta.

4041. Lack of fencing on the Canadian Northern Railway Company's right of way in the vicinity of Badger, Man.

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4042. Lack of fencing on the Canadian Northern Railway Company's right of way in the vicinity of Langdon, Alta.

4043. Lack of fencing on the Canadian Northern Railway Company's right of way in the vicinity of Bowman River, Man.

4044. Alleged discrimination of the Canadian Pacific Railway Company with regard to cartage charges in the city of Vancouver, B.C.

4045. Alleged unjustifiable dismissal of employee by the Grand Trunk Railway Company.

4046. Lack of iced refrigerator car service on the Boston and Maine railroad between Sherbrooke and Stanstead, Que.

4047. Refusal of the Grand Trunk Railway Company to give a rebate on unused portion of coupon tickets good between Montreal and St. Lambert, Que.

4048. Unsatisfactory location of farm crossing installed by the Canadian Pacific Railway Company near Reaboro, Ont.

4049. Unsatisfactory service furnished by the Bell Telephone Company in Montreal, Que., with regard to the moving of "Blake Set" telephone from one apartment to another.

4050. Lack of fencing on the Canadian Northern Railway Company's Melford-Humboldt branch in the vicinity of Melfort, Sask.

4051. Unsatisfactory condition of Edmonton, Dunvegan and British Columbia Railway Company's highway crossings in Local Improvement District No. 549, near St. Albert, Alta.

4052. The British Columbia Electric Railway Company's increased switching rate between Eburne and Vancouver, B.C.

4053. Alleged excessive rates charged on butter and cheese shipments, by the Ontario and Quebec Navigation Company of Picton, Ont.

4054. Delay of the Canadian Pacific Railway Company in sending out notification of the arrival of green feed at Medicine Hat, Alta.

4055. Refusal of the Canadian Pacific Railway Company to settle for damage to bicycle in transit between Kingston, Ont., and Saskatoon, Sask.; also the alleged excessive storage charges on pieces at destination.

4056. Collection and delivery service of the Canadian Northern Express Company in the city of Toronto, Ont.

4057. Damage to burying ground at Campbellville, Ont., caused by Canadian Pacific Railway construction work.

4058. Delay of the Canadian Northern Railway Company in putting town lots on sale at Cereal, Alta.

4059. Lack of station conveniences and agent at Cabane Ronde, Que., on the Canadian Pacific railway.

4060. The Grand Trunk Railway Company delivering car of coal to Valleyfield, Que., instead of Alexandria, Ont.

4061. Refusal of the Grand Trunk Railway Company to settle claim for car of coal shipped in error to Alexandria, Ont., instead of Casselman, Ont.

4062. Unsatisfactory condition of fences along the Canadian Northern Ontario Railway Company's right of way in the vicinity of Glen Ross, Ont.

4063. Alleged injustice of the Grand Trunk Pacific Railway Company in not granting rebate on passenger ticket issued to stockman on his way to shipping point of the live stock.

4064. Grand Trunk Railway Company's freight rates on lumber between Sherbrooke, Que., and Montreal, Que.

4065. Passenger rate charged for drawing-room accommodation on the Inter-colonial railway between Newcastle, N.B., and Montreal, Que.

4066. Refusal of the Grand Trunk Railway Company to make settlement for fire damage done to property alleged to have been caused by sparks from engine.

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4067. Excessive shunting charges on a car shipped from the Don Flats on the Canadian Northern railway to North Toronto station on the Canadian Pacific railway.

4068. Refusal of the Canadian Pacific Railway Company to lift cars from a siding at Calgary, Alta.

4069. Unsatisfactory condition of roads leading up to Canadian Northern Railway Company's elevators at Englefeld, Sask.

4070. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 5 and 6, township 39, range 3, west of the third meridian.

4071. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 4 and 5, township 39, range 2, west of the third meridian.

4072. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 33 and 34, township 38, range 2, west of the third meridian.

4073. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 2 and 3, township 39, range 2, west of the third meridian.

4074. Unsatisfactory condition of highway crossing over the Canadian Northern railway between section 1, township 39, range 3, west of the third meridian, and section 6, township 39, range 2, west of the third meridian.

4075. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 2 and 3, township 39, range 3, west of the third meridian.

4076. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 5 and 6, township 19, range 3, west of the third meridian.

4077. Dangerous condition of way freight trains being run by the Grand Trunk Railway Company on their 11th, 12th, and 13th districts.

4078. Refusal of the Canadian Express Company to settle claim for eggs lost in transit between Woodstock, Ont., and Montreal, Que.

4079. Delay of the Canadian Pacific Railway Company in handling a car of household goods shipped from McTaggart, Sask., to Baden, Ont.

4080. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Hatton, Sask.

4081. New York Central Railway trains blocking farm crossings in the parish of St. Stanislas de Kotska, Que.

4082. Freight classification of well casings and iron pipe.

4083. Delay of the Canadian Northern Railway Company in making settlement of claim for goods lost in transit between Montreal, Que., and Prince Albert, Sask.

4084. Delay of the Canadian Pacific Railway Company in having bridge at farm crossing repaired in the parish of St. Maurice, Que.

4085. Lack of cattle guards on the Grand Trunk Pacific railway in section 4, township 12, range 16, west of the first meridian, in the vicinity of Inglelow, Man.

4086. Snow blockade of highway crossing over the Atlantic, Quebec and Western railway at St. Adelaide de Pabos, Que.

4087. Inability to obtain settlement with the Canadian Pacific Railway Company for right of way in the west half of section 35, township 14, range 14, west of the third meridian.

4088. Unsatisfactory telephone service provided by the Adelaide Telephone System in the vicinity of Arkona, Ont.

4089. Numbers of engines not being clearly shown on engines and engine headlights.

4090. Lack of fencing on the Atlantic, Quebec and Western railway near McRae's Crossing, St. Adelaide de Pabos, Que.

4091. Routing given to a shipment of cigars from Vancouver, B.C., to Prince Albert, Sask.

4092. Proposed increase in freight rate on brick between Milton, Ont., and Toronto, Ont., over the Grand Trunk railway.

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4093. Unsatisfactory freight and passenger service provided by the Grand Trunk Railway Company between St. Thomas and Glencoe, Ont.
4094. Delay in transit to a car of potatoes via the Grand Trunk railway from Toronto to Comber, Ont.
4095. Unsatisfactory system adopted by railway companies in dealing with rebates on unused portions of passenger tickets.
4096. Unsatisfactory condition of drainage and culverts on the Grand Trunk and Central Ontario railways in the vicinity of Trenton, Ont.
4097. Fire damage to property which spread from right of way of the Central Ontario Railway Company's Bancroft branch at Hybla, Ont.
4098. Unsatisfactory mail and passenger service provided by the Canadian Pacific Railway Company on its Kingston and Pembroke branch.
4099. The Grand Trunk Railway Company routing shipments from Belleville to British Columbia points via the Grand Trunk Pacific instead of via Canadian Pacific railway, lake and rail, as directed on the bill of lading.
4100. Delay of the Grand Trunk Railway Company in handling a shipment of seed corn from Blenheim, Ont., to Bracebridge, Ont.
4101. Proposed blocking of navigation on the Fraser River, B.C., with bridge construction at Mile 146 by the Grand Trunk Pacific Railway Company.
4102. Alleged excessive freight rate charged by the Grand Trunk Railway Company on earload lots of poultry grits.
4103. The Canadian Northern Railway Company holding up delivery of freight at Weyburn, Sask., on account of an unpaid claim in their favour.
4104. Unsatisfactory location of Intercolonial Railway Company's station at St. Philippe de Néri, Que.
4105. Alleged neglect of the Canadian Pacific Railway Company in not providing water in stockyards at Sudbury, Ont., during the warm weather.
4106. Refusal of the Grand Trunk Pacific Railway Company to settle claim for loss of personal effects while changing sleepers at Battle Creek, Sask.
4107. Inconvenience suffered at the hands of immigration officials while travelling between United States and Canada.
4108. Alleged lack of protection for cattle at highway crossing on the Canadian Pacific railway near Ponoka, Alta.
4109. Improper cattle guards provided by the Canadian Northern Railway Company in the vicinity of Beatty, Sask.
4110. Lack of fencing on the right of way of the New Brunswick Southern railway (Canadian Pacific Railway Company) in the vicinity of Bonny River, N.B.
4111. Refusal of the Canadian Northern Railway Company to settle claim for financial loss on account of delay in transit to a car of tough grain shipped from Cardale, Man., to Port Arthur, Ont.
4112. Condition of ditch on Canadian Pacific Railway Company's right of way on lots 28 and 29, concession 14, township of Hullett, Ont.
4113. Lack of fencing on the Canadian Northern Railway Company's Melford-Humboldt branch in Carrot River rural municipality No. 429.
4114. Refusal of the Wabash Railroad Company to have trains No. 6 and 28 stop at Windsor station, Ont.
4115. Refusal of the Canadian Express Company to deliver goods in bad order in the city of Toronto, Ont., unless they are given a release covering the damage to same.
4116. Lack of fencing on the right of way of the Canadian Pacific railway from Golden, B.C., easterly.
4117. Alleged excessive freight rate charged by the Canadian Pacific Railway Company on a car of settler's effects, including an automobile shipped from Calgary, Alta., to Victoria, B.C.

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4118. Lack of fencing on the right of way of the Canadian Northern Railway Company's (McRorie-Alsask extension) in the northeast quarter of section 2, township 28, range 10, west of the third meridian, near Anerley, Sask.

4119. Delay of the Canadian Pacific Railway Company in settling a claim for goods lost in transit.

4120. Refusal of the Dominion Express Company to accept fruits for shipment on eastbound train No. 4 at Port Hammond, B.C.

4121. Refusal of the Grand Trunk Railway Company to provide a farm crossing over their right of way near Glencoe, Ont.

4122. The Canadian Pacific Railway Company charging seat fare in addition to first-class fare between Medicine Hat, Alta., and Winnipeg, Man., on the "Imperial Limited" train.

4123. Unsatisfactory condition of highway crossing over the Quebec Oriental railway in the vicinity of New Richmond, Que.

4124. Lack of information, timetables, etc., with regard to the arrival and departure of trains at various points on the Grand Trunk railway.

4125. Refusal of the Intercolonial Railway Company to route shipments from points on their line of railway to points in the United States as the shippers desire them routed.

4126. Dangerous condition of highway crossing over the Canadian Pacific railway on the road leading to Port Burwell, Ont.

4127. The Canadian Pacific Railway Company not complying with the terms of order of the board, No. 16862, with regard to the stopping of mail trains at Lesage flag station, Que.

4128. Lack of proper drainage at highway crossing over the Canadian Northern railway west of Vonda station, Sask.

4129. Lack of accommodation for passengers and freight at Mulvihill siding, Manitoba, on the Canadian Northern railway.

4130. Refusal of the Canadian Northern Railway Company's agent at Ste. Anne, Man., to answer rural system telephone installed in the station unless paid for the service.

4131. Fire damage to timber in the vicinity of Maynooth, Ont., alleged to have been caused by sparks from Central Ontario Railway Company's trains.

4132. Lack of farm crossing over the Canadian Northern railway in section 9, township 18, range 19, near Erickson, Man.

4133. Dangerous condition of highway crossings over the Canadian Northern railway near Strathclair, Man.

4134. Alleged excessive freight rate charged on a 7-pound package of tea shipped from Toronto, Ont., to Beaumaris, Ont., via the Canadian Express Company.

4135. Lack of fencing along the right of way of the Kingston and Pembroke Railway Company near Caldwell's Mills, Ont.

4136. Alleged overcharge on settler's effects shipped over the Michigan Central railway from Lythmore, Ont., to Radison, Sask.

4137. The Canadian Pacific Railway Company removing a highway crossing over their tracks near Iberville Jct., Que.

4138. The tenth-class rate on goods shipped over the Grand Trunk railway from Thedford, Ont., to Oakville, Ont.

4139. Inability to obtain settlement of claim against the Canadian Pacific Railway Company for stock killed on their right of way.

4140. Alleged unjust dismissal of an employee by the Wabash Railroad Company.

4141. Delay in transit to mail crane shipped via the Canadian Pacific railway from Montreal, Que., to Hill Bank station, B.C., on the Esquimalt and Nanaimo Railway.

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4142. Alleged refusal of the Canadian Pacific Railway Company to construct a spur to brick plant at Dryden, Ont.

4143. Alleged excessive express rates charged on shipments of cream from Ituna, Sask., to Winnipeg, Man., by the Canadian Express Company.

4144. Inability to obtain settlement of claim against the Canadian Northern Railway Company for hay damaged by fire starting from engines.

4145. Delay of the Canadian Northern Railway Company in settling for property expropriated for right of way purposes in the northeast quarter of section 36, township 33, range 1, west of the second meridian.

4146. The Canadian Northern Railway Company not providing a highway crossing where the Delisle branch crosses road allowance east of the northeast quarter of section 14, township 28, range 9, west of the third meridian.

4147. Delay of the Canadian Northern Railway in settling for right of way purchased in the south half of section 23, township 39, range 3, west of the fifth meridian.

4148. Freight rate charged by the Canadian Pacific Railway Company on carloads of eggs shipped from Minot, N.D., and Minneapolis, to Vancouver, B.C.

4149. Excessive whistling of the Grand Trunk Railway Company's engines in the town of Canfield, Ont.

4150. Delay of the Dominion Express Company in delivering butter shipments in the city of Montreal, Que.

4151. Unsatisfactory condition of the Canadian Pacific Railway Company's drain and bridge at Cabane Ronde, Que.

4152. The careless handling of freight consigned to Hillbank flag station, B.C., on the Esquimalt and Nanaimo railway.

4153. The Canadian Pacific Railway Company's proposed tunnel North of Greenwood, B.C.

4154. The Grand Trunk Railway Company running passenger trains without proper lights in the coaches.

4155. Alleged excessive freight charges on a shipment of household goods shipped via Canadian Pacific Railway Company from Red Deer, Alta., to Kansas, U.S.A.

4156. The Canadian Pacific Railway Company withdrawing suitable elevator site from Ernfold, Sask.

4157. Difficulty and delay in obtaining Canadian Pacific Railway Company's cars on Grand Trunk Railway Company's sidings in Ottawa, Ont.

4158. Delay in transit to a car shipped from Syracuse, U.S.A., to Guelph, Ont., over the Canadian Pacific Railway via the International bridge.

4159. Lack of fencing on the Canadian Northern railway in the southeast quarter of section 18, township 18, range 20, west of the first meridian.

4160. Refusal of the Great Northern Railway Company to grant a flag stop at Mile 186 between Mountain and Apex stations, B.C.

4161. Alleged excessive freight rates charged on granite handled from Stanstead Junction and Graniteville, Que., to Hamilton, Ont., by the Canadian Pacific Railway Company.

4162. Refusal of the Wabash Railroad Company to give an explanation for violating Canadian Car Service Rule No. 19.

4163. The Bell Telephone Company compelling client to pay for unexpired time of contract although he had no further use for telephone.

4164. Alleged exorbitant charges of the express companies in Canada on printed matter.

4165. Alleged exorbitant charges of the express companies in Canada on paper and printers' supplies.

4166. The Canadian Pacific Railway Company using private property in the southwest quarter of section 2, township 33, range 19, west of the third meridian for right of way for a spur track without consent or reimbursing the owner.

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4167. The Canadian Pacific Railway Company not permitting transfer agents to solicit business at station platform or hotel at Field, B.C.

4168. Damage to household goods in transit over the Canadian Pacific railway from Creston, B.C., to Canfield Junction, Ont.

4169. Refusal of the Canadian Northern Railway Company to entertain claim for cow killed on right of way due to lack of fencing near Kelwood, Man.

4170. Lack of station facilities at Prairie siding, Ont., on the Grand Trunk railway.

4171. Lack of fencing on the Grand Trunk Pacific railway at North Cooking Lake, Alta.

4172. Unsatisfactory condition of loading platform on the National Transcontinental railway (G.T.P.Ry.) at Nineteen-mile siding.

4173. Unsatisfactory accommodation provided by the Canadian Pacific Railway Company at Oakbank station, Man.

4174. Unsatisfactory station accommodation provided by the Canadian Pacific Railway Company at Hazelridge, Man.

4175. Canadian Pacific Railway Company's employees being required to shunt cars on New York and Ottawa Railway Company's sidings at Ottawa, Ont., without proper protection.

4176. The Esquimault and Nanaimo Railway Company for abolishing the "ticket system" in connection with buttermilk shipments between Duncan, B.C., and Victoria, B.C.

4177. The unfinished condition of the Grand Trunk Pacific Railway Company's fencing on the northeast quarter of section 18, township 14, range 18, west of the second meridian.

4178. The Canadian Northern Railway Company for failing to provide a crossing over their railway at road allowance near Craik, Sask.

4179. Lack of baggagemen on the Canadian Northern Railway Company's passenger trains operating between Montreal and Quebec, Que.

4180. Refusal of the Canadian Northern Express Company to settle claim for butter lost in transit.

4181. Unsatisfactory condition of fencing along the right of way of the Kingston and Pembroke Railway near Flower Station, Ont.

4182. Increased rate embodied in Transcontinental Freight Bureau Tariff 5 G, Canadian Railway Commission No. 319.

4183. Delay of the Bell Telephone Company in installing a telephone for a firm in Montreal, Que.

4184. Dangerous condition of highway crossing over the Canadian Pacific Railway at lot 8, West Zorra, near Embro, Ont.

4185. Dangerous condition of highway crossing over the Canadian Pacific Railway at lot 10, West Zorra, near Embro, Ont.

4186. Dangerous condition of highway crossings over the Canadian Pacific Railway at Embro, Ont.

4187. The Canadian Pacific Railway Company removing centre plank at highway crossings over their railway near Chesterville, Ont.

4188. Car shortage on the Canadian Pacific Railway Company's Estevan-Forward branch, at Outran station, Sask.

4189. Delay in transit to shipment of stone from Montreal to Adamsville, Que., over the Canadian Pacific Railway.

4190. Delay of the Grand Trunk Pacific Railway Company in granting deed for property purchased from them at Edgerton, Alta.

4191. Refusal of the Dominion Express Company to settle for furs lost in transit between River Valley, Ont., and Montreal, Que.

4192. Lack of proper fencing and cattle guards on the Melfort-Humboldt line of the Canadian Northern Railway.

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4193. The Canadian Pacific Railway Company not filing plans or making any settlement for right of way required by their Kerrobert branch in "Buena Vista" subdivision near Kerrobert, Sask.

4194. The Canadian Northern Railway Company advancing cartage charges on outward shipments at Winnipeg, Man., and collecting same from consignee at destination.

4195. Refusal of the Temiscouata Railway Company to reimburse owner for cow killed on their right of way due to lack of proper fences near St. Honore, Que.

4196. Delay of the Grand Trunk Railway Company in settling claim for goods lost in transit between Berlin, Ont., and Annapolis, N.S.

4197. The practice of cattle owners in the township of Gloucester in allowing cattle to roam at large on railway tracks in the vicinity of Ottawa, Ont.

4198. Inadequate shelter of the Great Northern Railway Company's shed at Columbia Gardens, B.C.

4199. The present method of constructing heavy voltage wire crossing over railway lines.

4200. Refusal of the Canadian Pacific Railway Company to build a fence along their right of way near North Bend, B.C.

4201. Lack of proper drainage at Hammonds Crossing, in the township of Chatham, Que., on the Canadian Northern Railway.

4202. Refusal of the Grand Trunk Railway Company to settle claim on account of the delay in transit to a car of potatoes shipped from Toronto, Ont., to Cobalt, Ont.

4203. Alleged discrimination on the part of the Canadian Pacific Railway Company in the matter of freight rates on shipments from Forward, Sask.

4204. Refusal of the Canadian Northern Railway Company to settle claim for cow killed on their right of way near Badger, Man.

4205. Lack of facilities for loading and unloading cars at Ernfold, Sask., on the Canadian Pacific Railway.

4206. The Grand Trunk Railway Company's trains blocking highway crossing at Brighton station, Ont.

4207. Unsatisfactory location of proposed station at Case Settlement, N.B., on the Central Railway.

4208. Alleged excessive demurrage charges assessed on shipments of grain from Fort William to Port Arthur, Ont., on the Canadian Northern Railway.

4209. Unsatisfactory condition of Canadian Pacific Railway Company's stock-yards and stock-pens at Carleton Place, Ont.

4210. The Quebec Oriental Railway Company not keeping their right of way fences in repair near Carleton, Que.

4211. Unsatisfactory condition of fences along the Grand Trunk Pacific Railway in the northeast quarter of section 1, township 17, range 27, west of the second meridian.

4212. Delay in transit to shipments of goods from East Aylmer, Que., to Killworthy, Ont., over the Grand Trunk and Canadian Pacific Railways.

4213. The Canadian Northern Railway Company removing telephone and telegraph service from Hearne, Sask.

4214. The unsatisfactory manner of handling fish shipments between Port Alberni and Vancouver, B.C., by the Dominion Express Company.

4215. The Grand Trunk Railway Company using fog signals and torpedoes within the city limits of Brantford, Ont.

4216. Any change in location of station on the Grand Trunk Pacific Railway at Hubalta, Alta.

4217. Uncompleted condition of road allowance on the Canadian Pacific Railway

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Company's Weyburn-Lethbridge Branch in sections 8 and 17, township 8, range 17, west of the second meridian.

4218. Alleged excessive freight rates charged on lumber from the United States to Midland, Ont., over the Grand Trunk Railway.

4219. Freight classification on carload lots of mixed plumbing supplies between Amherst, N.S., and Port Arthur, Ont.

4220. Refusal of the Grand Trunk Pacific Railway Company's agent at Waldron, Sask., to have freight unloaded at freight shed instead of leaving it loaded in car on the siding at that point.

4221. The Dominion Express Company, charging an extra amount for icing shipments of fish.

4222. Lack of culverts at public and private crossings on the Oak Point branch of the Canadian Northern Railway Company.

4223. The Père Marquette Railroad Company closing station at Ruthven, Ont.

4224. Alleged discourteous treatment received at the hands of the Canadian Northern Railway Company's agent at Ruddell, Sask.

4225. Unsatisfactory handling of fruit shipments from Forest, Ont., by the Grand Trunk Railway Company.

4226. Refusal of the American Express Company to accept consignment of fish at Port Stanley, Ont., owing to lack of car accommodation for same.

4227. Alleged excessive freight rate charged on a shipment of tobacco handled from Quebec, Que., to Grand Pabos, Que., by the Atlantic, Quebec and Western Railway Company.

4228. Improper loading of a car of explosives by employees of the Halifax and Southwestern Railway Company.

4229. Refusal of the Canadian Northern Ontario Railway Company to construct a farm crossing near Dorion, Ont.

4230. Refusal of the Canadian Northern Railway Company to furnish deed for property purchased at lot 6, block 4, Brookings townsite, Sask.

4231. Alleged unjust demurrage charged by the Canadian Pacific Railway Company on two cars of coal held in Vanguard, Sask., without consignees being advised of their arrival.

4232. Alleged overcharge on a shipment of settlers' effects shipped from Carstairs, Alta., to Alsask, Sask., via the Canadian Pacific and Canadian Northern Railways.

4233. Alleged overcharge on a car of oranges shipped from Montreal, Que., to Hamilton, Ont.

4234. Delay of the Grand Trunk Railway Company in handling consignment of household goods shipped from Oil City, Pa., to Toronto, Ont.

4235. Refusal of the Canadian Pacific Railway Company to settle claims for horses killed on account of cattle guards being removed near Dewdney, B.C.

4236. The bulletin issued by the Grand Trunk Railway Company with regard to yard limit boards at Algonquin Park, Ont.

4237. The proposed removal of the Canadian Pacific Railway Company's Kirkella to McAuley branch when their Virden to McAuley branch is completed.

4238. The Canadian Pacific Railway Company making switching charges when cars are diverted to "Hospital" elevators at Port Arthur, Ont., and Fort William, Ont.

4239. Alleged excessive express rate charged by the Canadian Express Company on a shipment handled between Ottawa, Ont., and Scarborough Junction, Ont.

4240. The American Express Company demanding an extra charge for delivering shipments of milk from station to consignee in Welland, Ont.

4241. The Canadian Pacific Railway Company proposed abandonment of present right of way through the town of Walhachin, B.C.

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4242. Alleged dangerous crossing over the Grand Trunk Railway Company's tracks at the first highway east of Clarkson station, Ont.

4243. Refusal of the Bay of Quinte Railway Company to settle claim in full for cow killed on their right of way in the township of Camden, Ont., on account of lack of fencing.

4244. Lack of fencing along the Canadian Northern Railway Company's right of way in the Rural Municipality of Hillsburg, Man., and in the Riding Mountain Forest Reserve.

4245. Alleged excessive rates charged by the Grand Trunk Railway Company on shipments of milk handled from Carp to Ottawa, Ont.

4246. Lack of fencing on the Canadian Pacific Railway Company's right of way in section 21, township 9, range 24, west of the first meridian.

4247. Grand Trunk Railway Company's official opening a box of liquor addressed to the wife of an employee of that company.

4248. The unsafe condition of the Canadian Pacific Railway Company's right of way on their Pontiac division in the vicinity of Fort Coulonge, Que.

4249. Unsatisfactory operation of trains on the Spokane and British Columbia Railroad.

4250. Unsatisfactory drainage provided by the Canadian Pacific Railway Company in lots 27 and 28, concession 14, township of Hullett, Ont.

4251. Refusal of the Bell Telephone Company to allow members of an association to use the telephone installed on the premises of the association for business purposes unless they have a business telephone elsewhere and are paying a business rate for same.

4252. Alleged excessive freight rate charged on a shipment of household goods handled by the Canadian Pacific Railway Company from Sumas, B.C., to Airdrie, Alta.

4253. Unsatisfactory grading and drainage on the Canadian Pacific Railway Company's right of way in the township of Hope, Ont.

4254. Unsatisfactory express service provided by the Canadian Express Company at Bracebridge, Ont.

4255. Lack of fencing on the Canadian Northern Railway between Shevlin, Man., and Shortdale, Man.

4256. The Grand Trunk Railway Company laying tracks on Railway street, Paris, Ont.

4257. Delay in transit to a shipment of household goods handled by the Canadian Pacific Railway Company from Hunters River, P.E.I., to Vandura, Sask.

4258. Alleged excessive express rates charged by the Canadian Express Company on shipments handled between Delhi, Ont., and points west of North Bay, Ont.

4259. Lack of fencing on the Quebec Oriental Railway near Bonaventure, Que.

4260. The Canadian Pacific Railway Company withdrawing station agent from station at Bittern Lake, Alta.

4261. Unsatisfactory condition of fencing and cattle protection on the Canadian Pacific Railway near Exshaw, Alta.

4262. The Canadian Northern Railway Company proposed construction of their line of railway parallel with the Canadian Pacific Railway at a point in the western provinces.

4263. Refusal of the Canadian Pacific Railway Company to sell second-class tickets to students returning from the West.

4264. Delay of the Canadian Pacific Railway Company in settling claims.

4265. Advance in rates on sand and gravel as shown in Supplement No. 18 to Canadian Pacific Railway Company's tariff C.R.C. No. W. 1820.

4266. Excessive rates charged harvesters returning from the West as compared with the rates charged when going to the West when travelling on "harvesters' excursions."

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4267. Delay of the Grand Trunk Railway Company in handling stock shipments delivered at London, Ont., by the Michigan Central and Père Marquette Railroads.

4268. Refusal of the Canadian Pacific Railway Company to provide farm crossing on the southwest quarter of section 24, township 23, range 6, west of the sixth meridian.

4269. The Canadian Pacific Railway Company encroaching on private property in lot 12, concession 3, township of Neelon, and lots 1, 2, and 3, concession 3, township of McKim, Ont.

4270. Fire damage to fences and pastures on the Central Ontario Railway caused by sparks from engines.

4271. Fire damage to property on the Grand Trunk Railway near Muskoka Falls, Ont., caused by sparks from engines.

4272. Refusal of the Canadian Pacific Railway Company to settle claim for cow killed at Rutter, Ont., due to lack of fencing.

4273. Alleged excessive freight rates charged on grain shipments handled from Bromhead, Sask., to Estevan, Sask., by the Canadian Pacific Railway Company.

4274. The Canadian Pacific Railway Company's charges for cartage in Winnipeg, Man.

4275. Alleged excessive freight rate charged by the Canadian Pacific and Grand Trunk Railway Companies on shipments of sand and gravel from Caldwell, Ont., to Toronto, Ont.

4276. Delay of the Windsor, Essex, and Lake Shore Railway in erecting shelter at North Ridge Road crossing in the township of North Gosfield, Ont.

4277. Lack of drainage along the right of way of the Canadian Pacific Railway Company at Portneuf, Que.

4278. Lack of crossing over the Grand Trunk Pacific Railway near Dorreon Station, B.C.

4279. The Canadian Express Company's proposed increase in express rates on bullion from St. Catharines, Ont., to London, Ont.

4280. Alleged unjust dismissal of Grand Trunk Railway Company's employee in yard service at Toronto, Ont.

4281. Removal of a highway crossing by the Canadian Northern Railway Company near Bryant, Sask.

4282. Removal of a highway crossing over the Canadian Pacific Railway Company's tracks at Glenboro yards, Man.

4283. Unsatisfactory train connections at Yarker, Ont., by the Bay of Quinte and Canadian Northern Railways.

4284. Unsatisfactory accommodation and conveniences provided by the Canadian Pacific Railway Company at Blue Sea Lake, Que.

4285. Refusal of the Bell Telephone Company to transmit a telephone message from Elmvale to Midland, Ont., because a municipal line was used to get the message to Elmvale, Ont.

4286. Lack of grain doors for cars at Vanguard, Sask., on the Canadian Pacific Railway.

4287. Unfinished condition of fencing on the Spokane Falls and Northern Railway near Grand Forks, B.C.

4288. Alleged discrimination against Moosejaw, Sask., in the matter of freight rates on coal from Estevan, Sask., over the Canadian Pacific Railway.

4289. Routing given to a shipment of goods shipped from Georgetown, Ont., to New Westminster, B.C.

4290. Lack of station agent and sufficient accommodation at Dummer Station, Sask., on the Canadian Northern Railway.

4291. Alleged excessive charges on a shipment of clothing from Provost, Alta., to Toronto, Ont., handled by the Canadian Pacific Railway Company.

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4292. Alleged excessive express rate charged by the Canadian Express Company on a parcel shipped from Alton, Ont., to Georgetown, Ont.

4293. Refusal of the Canadian Pacific Railway Company to construct siding and loading platform at McAuley, Man.

4294. Alleged excessive freight rate charged by the Boston and Maine Railroad on shipments of brick from Sherbrooke, Que., to Ayer's Cliff, Que.

4295. Alleged shortage in shipments of coal received at Vanguard, Sask., from the Canadian Pacific Railway Company.

4296. Sleeping car accommodation on the Michigan Central Railroad out of St. Thomas, Ont.

4297. Failure of the Canadian Pacific Railway Company to complete their portion of the Helm Award drain in lot 25, concession 6, township of Ops, Ont.

4298. The Canadian Pacific Railway Company's ploughing of fire guards at Cowley, Alta.

4299. Damage to fruit in transit between Winona, Ont., and Mumford's Station, Ont., on the Irondale, Bancroft and Ottawa Railway.

4300. The Canadian Pacific Railway Company's crews not placing cars at desired point on siding at Crandall, Man.

4301. Refusal of the Bell Telephone Company to give telephone service until party has paid proportion of telephone line construction over and above telephone service charges at North Toronto, Ont.

4302. Express classification of coffins and caskets.

4303. Dangerous crossing over the Canadian Pacific Railway at Cooksville, Ont.

4304. The Campbellford, Lake Ontario and Western Railway Company's expropriation of land for gravel pit in lot 5, concession 1, township of Murray, Ont.

4305. The Grand Trunk Railway Company raising tracks on Norfolk street, Simcoe, Ont.

4306. Lack of station agent at Clover Bar, Alta., on the Grand Trunk Pacific Railway.

4307. Refusal of the Canadian Pacific Railway Company to accept a shipment of wood from the Canadian Northern Railway Company consigned from St. Julien, Que., to Mile End yard, Montreal, Que.

4308. The Lake Erie and Northern Railway proceeding with construction work and alterations in the city of Brantford, Ont., without filing any plans for approval of said city of Brantford, Ont.

4309. Refusal of the Canadian Northern Railway Company to settle for right of way through the northeast quarter of section 19, township 27, range 11, west of the third meridian.

4310. Smoke and noise from Canadian Pacific Railway Company's trains shunting on St. Patrick street siding, Montreal, Que.

4311. Delay in the transportation of goods from New York, N.Y., to Bristol, N.B.

4312. Unsatisfactory telephone service at Newtonville, Ont.

4313. Lack of fences on the Canadian Northern Railway at Gainford, Alta.

4314. Fire damage to private property and lack of proper fire guards on the Canadian Northern Railway at Benton, Alta.

4315. Weeds on the right of way of the Canadian Pacific Railway Company near Crookston, Ont.

4316. The Kootenay Central Railway Company not making settlement with ranchers and settlers for the right of way expropriated through their properties.

4317. Demurrage assessed by the Temiskaming and Northern Ontario Railway Company on a car delivered at South Porcupine, Ont., which could not be placed at private siding on account of flood conditions.

4318. Alleged excessive rate charged on a shipment from London England, to Toronto, Ont., by rail from Montreal, Que., to Toronto, Ont.

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4319. Refusal of the Grand Trunk Railway Company to settle a claim for loss on account of delay in transit of stock from Port Rowan, Ont., to Hamilton, Ont.

4320. Refusal of the Bell Telephone Company to place a telephone in residence in lot 4, concession 2, township of Colchester, Ont.

4321. The Canadian Pacific Railway Company removing spur at Matlock flag station, Man.

4322. Delay in obtaining refund from the Canadian Pacific Railway Company.

4323. Bangor and Aroostook Railway Tariff Canadian Railway Commission No. 115, effective September 16, 1913.

4324. Unsatisfactory construction of fire-guards by the Canadian Pacific Railway Company on the south half of section 26, township 4, range 24, west of the fourth meridian.

4325. Inability of the Grand Trunk Railway to collect freight charges on desk shipped from Ottawa, Ont., to Longueuil, Que.

4326. Inability to have the Dominion Express Company deliver a parcel to Alder-grove, B.C. instead of Abbotsford, B.C.

4327. Refusal of the Grand Trunk Railway Company to recognize claims for alleged overweight on a number of cars shipped from Dalkeith, Ont., to points in Nova Scotia.

4328. The Canadian Northern Railway Company's construction trains making no provision for fire-guarding through the rural municipality of Cereal, Alta.

4329. Delay of the Canadian Pacific Railway Company in handling baggage checked at Toronto, Ont., and consigned to Carleton Place, Ont.

4330. The Canadian Northern Quebec Railway Company's agent not being on hand to sell tickets for train and failure of brakemen to call the names of station in French as well as English.

4331. Increase in freight rate on crushed stone on the Canadian Pacific Railway between points in the vicinity of Montreal, Que.

4332. The Canadian Pacific Railway Company holding up construction work on the Toronto, Ont., to Guelph Junction line until complainants agree to bear the expense of swinging out of line at their property.

4333. Proposed increase in freight rate on pulpwood from stations on the Temiscouata railway to points in New York state and points reached by the Intercolonial Railway Company.

4334. The Canadian Pacific Railway Company not constructing highway crossing over their railway at road allowance between sections 21 and 22, township 9, range 9, west of the second meridian.

4335. The Canadian Pacific Railway Company's proposed expropriation of portion of private property at North Bend, B.C.

4336. Alleged excessive freight rate charged on a shipment of eggs from Sioux City, U.S.A., to Lethbridge, Alta., handled in Canada by the Canadian Pacific Railway Company.

4337. Inability of complainant to get a settlement from the Hudson Bay Railway for land expropriated on lot 13, block 36, at LePas, Man.

4338. Loss sustained by property owner on account of the Canadian Northern Railway Company removing fences on the south half of section 25, township 38, range 2, west of the fifth meridian.

4339. Refusal of the Canadian Pacific Railway Company to furnish empty cars to move stock from one point to another in the local yards at Vancouver, B.C.

4340. Alleged excessive freight rate charged by the Grand Trunk Railway Company on shipments of lumber handled from Lakefield, Ont., to Hastings, Ont.

4341. Refusal of the Canadian Pacific Railway Company to permit an electric wire crossing over their track when single pole supports are used.

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4342. Station conditions on the Canadian Pacific railway at Hayter, Alta.

4343. Unsatisfactory train service on the Grand Trunk railway between London, Ont., and Appin, Ont.

4344. Pool of stagnant water accumulating on the right of way of the Canadian Pacific Railway Company at Mile 64, west of Cranbrook, Alberta Division.

4345. The Canadian Pacific Railway Company failing to complete road to Wynn-del, station, B.C.

4346. Delay in transit to corn cutter shipped over the Canadian Pacific railway from Toronto, Ont., to Indian River, Ont.

4347. The Canadian Northern Railway Company failing to provide farm crossing at lot 21, concession 2, township of Pontiac, Que.

4348. Refusal of the Bell Telephone Company to install a residence telephone in a house some distance from any pole line without making an additional charge for the construction of the line to residence.

4349. Uncompleted condition of grading at crossing between section 36, township 57, range 27, and section 31, township 57, range 26, west of the fourth meridian, on the Edmonton, Dunvegan and British Columbia railway.

4350. Uncompleted condition of grading at farm crossing over the Edmonton, Dunvegan, and British Columbia railway in the northeast quarter of section 36, township 57, range 27, west of the fourth meridian.

4351. The Canadian Pacific Railway Company assessing an extra switching charge Strathcona to Edmonton, Alta., on traffic consigned to points in British Columbia.

4352. Proposed abrogation of tariff rate on pyrites from Queensboro, Ont., on the Bay of Quinte railway, to Buffalo, U.S.A.

4353. Condition of Sydenham River bridge, near Wallaceburg, Ont., on the Père Marquette railroad.

4354. The Canadian Pacific Railway Company diverting creek in lot 5, concession 1, township of Sidney, Ontario, thereby depriving complainant of facilities for watering his stock.

4355. Unsatisfactory mail service provided by the Canadian Northern Railway Company to handle mail for points east of Picton, Ont.

4356. Delay in transit to a shipment of brass from Waterbury, Vt., to Westport, Ont., via the Central Vermont and Grand Trunk railways.

4357. Alleged excessive express rates charged by the Canadian Northern Express Company and unsatisfactory express connections between the Canadian Northern and Canadian Express Companies.

4358. Alleged excessive freight rates charged by the Canadian Northern Railway Company between Trenton, Ont., and Picton, Ont.

4359. Unsatisfactory passenger train connections at Trenton, Ont., between the Canadian Northern railway trains and the Grand Trunk Railway Company's east-bound trains.

4360. The Grand Trunk Railway Company failing to give notice of a wreck on their line between Ottawa, Ont., and Montreal, Que., so that passengers travelling between these two points might have arranged to go by an alternate route instead of being held up at Moose Creek, Ont.

4361. The Atlantic, Quebec and Western Railway Company refusing to handle a shipment of fish on account of freight train being off the track.

4362. Failure of the Canadian Pacific Railway Company to provide proper drainage or install cattle pass on complainant's property at Kenilworth, Ont.

4363. Drainage conditions on the Grand Trunk Railway at lot 23, concession 2, township of Rawdon, Ont.

4364. Unsatisfactory treatment received by passengers when accident occurred at St. Annes, Ont., on the Toronto, Hamilton and Buffalo Railway.

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4365. Unsatisfactory handling of a shipment of fresh fish from Vancouver, B.C., to Toronto, Ont., and Montreal, Que., via the Canadian Pacific Railway. Refusal of the Canadian Pacific Railway Company to switch any more cars for the complainant.

4366. Refusal of the Canadian Pacific Railway Company to entertain claim for cow killed on their track near Wylie, Ont., claiming they are exempt from fencing that portion of their line.

4367. Lack of fencing on the Canadian Northern Railway near Vassar, Man., in the southeast quarter of section 27, township 2, range 12, west of the first meridian.

4368. Unsatisfactory freight service furnished by the Grand Trunk Railway Company at Sarnia, Ont.

4369. The Grand Trunk Railway Company removing centre plank from farin crossing on lot 20, concession 4, township of Pittsburg, Ont.

4370. The Campbellford, Lake Ontario and Western Railway Company's engines whistling and ringing bells on Sunday in Bowmanville, Ont.

4371. Lack of long distance telephone connection with the township of Hope, Ontario.

4372. Order issued by the Quebec and Oriental Railway Company with regard to height restriction in loading cars with lumber.

4373. Lack of facilities for loading stock or grain at Eldred, Sask., on the Canadian Northern Railway, and no crossing provided at the station.

4374. Cattle being killed by the Canadian Northern Railway trains on the southeast quarter of section 2, township 36, range 19, west of the fourth meridian, and that fire-guards are being grown over with weeds in that district.

4375. The Canadian Pacific and Grand Trunk Railway Companies cancelling arrangement in connection with the completion of carload shipments of grain in transit.

4376. Unsatisfactory treatment received at the hands of the Bell Telephone Company in the vicinity of Mountain, Ont.

4377. Alleged excessive charges assessed by the Canadian Express Company on a parcel shipped from Montreal, Que., to St. Lambert, Que.

4378. Unsatisfactory condition of planking at road crossings over the Canadian Pacific railway between Regina, Sask., and Moosejaw, Sask.

4379. Alleged excessive storage charged on an engineer's tripod left in the Canadian Pacific Railway Company's baggage room at Ottawa, Ont.

4380. Neglected condition of right of way, fences, gates, and crossings of the Quebec Oriental Railway Company in the municipality of Maria, Que.

4381. Condition of crossings over the Grand Trunk Pacific railway between Wabamun and Fallis, Alta.

4382. Lack of proper fencing on the right of way of the Canadian Northern Railway Company in the vicinity of Bowsman River, Man.

4383. The Canadian Pacific Railway Company not making satisfactory settlement for right of way expropriated in the west half of section 34, township 34, range 19, west of the third meridian.

4384. The Vancouver, Victoria and Eastern Railway Company for not having any agent at Midway, B.C.

4385. Alleged excessive telephone rate charged by the British Columbia Telephone Company for service at Beaumont, B.C.

4386. Car shortage at Loughheed, Alta, on the Canadian Pacific railway.

4387. Car shortage at Ruddell, Sask., on the Canadian Northern Railway.

4388. Proposed change of the Canadian Northern Railway Company's terminal from North Battleford, Sask., to Humboldt, Sask., or Saskatoon, Sask.

4389. Refusal of the railway companies running out of Victoria, B.C., to accept a mixed carload of flour, feed, baled hay, and straw.

4390. The minimum on carload shipments of potatoes in the province of Ontario as compared with the province of New Brunswick.

4391. Unsatisfactory manner in which the Grand Trunk Railway Company handle overcharge claims at Detroit, Mich.

4392. Delay of the Canadian Pacific Railway Company in settling claim for rebate on freight charges covering a shipment of lumber handled between Portland, Ore., and Walsh, Alta.

4393. Alleged excessive storage charges placed on an engineer's tripod left in baggage room of the Canadian Pacific Railway Company at Ottawa, Ont.

4394. The Canadian Pacific Railway Company erecting snow fences on private property at Reaboro, Ont.

4395. Unsatisfactory delivery of the Canadian Express Company in the city of Montreal, Que.

4396. Delay of the Grand Trunk Railway Company in paying salary of mail carrier between Winona station, Ont., and Winona post office.

4397. Refusal of the Canadian Pacific Railway Company's agent at Seattle, Wash., to reserve accommodation for travellers requiring berths for one-night rides in the West.

4398. Lack of cattle-guards on the right of way of the Canadian Pacific Railway Company in the vicinity of Camrose, Alta.

4399. Refusal of the Canadian Pacific Railway Company to make refund for money spent furnishing grain doors for cars at Wilcox, Sask.

4400. Refusal of the Canadian Northern Railway Company to entertain claim for cow killed on account of right of way not being fenced in the vicinity of Engelfeld, Sask.

4401. Damage to private property on account of the Canadian Pacific Railway Company constructing double track through lot 6, concession 2, township of Nassagaweya, Ontario, and on account of lack of drainage at that point.

4402. Refusal of the Grand Trunk Pacific Railway Company to release trunk handled between Winnipeg, Man., and Saskatoon, Sask., unless complainant paid extra charges on same which accrued owing to the trunk containing honey along with wearing apparel.

4403. Alleged excessive freight rate charged by the Grand Trunk Railway Company on a shipment of manure handled between Toronto, Ont., and Walsh, Ont.

4404. The Campbellford, Lake Ontario and Western Railway Company constructing their line of railway through lot 25, concession 8, township of Camden, Ont., without giving complainant access to water.

4405. Alleged excessive rate charged on the shipment of horses via the Grand Trunk and Canadian Pacific Railways from Ottawa, Ont., to Westmount, Que.

4406. Delay of the Canadian Pacific Railway Company in constructing a second water stand pipe at Arnprior, Ont.

4407. The Canadian Pacific Railway Company's bridge over the north branch of the Clyde river, Ontario, being too low to allow the passing of a log drive.

4408. The Gananoque Electric Light Company stringing power wires over the tracks of the Thousand Islands Railway Company at Victoria avenue, Gananoque, Ont.

4409. Unsatisfactory cattle-guards provided on the right of way of the Canadian Northern Railway Company near Onoway, Alta.

4410. Dangerous crossing over the Grand Trunk Railway, 1 mile north of Elmvalle, Ont.

4411. The uncompleted condition of Leeds siding at Tapley's Mills, N.B., on the Canadian Pacific Railway.

4412. Unsatisfactory treatment received from the Canadian Northern Railway Company in connection with cattle pass and right of way expropriated in the west half of section 9, township 16, range 26, west of the second meridian.

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4413. Unsatisfactory method of handling milk and cream shipments on the Grand Trunk and Canadian Pacific Railways into Montreal, Que.

4414. Inability of complainant to obtain any compensation from the Canadian Pacific Railway Company on account of certain objectionable constructions in the neighbourhood of his property at Ingersoll, Ont.

4415. Unsatisfactory condition of the Campbellford, Lake Ontario and Western Railway Company's crossing at lot 34, township of Sidney, Ontario.

4416. Dangerous level crossing over the Canadian Northern Quebec Railway at Bennett street, Maisonneuve, Que.

4417. Refusal of the Quebec Oriental Railway Company to make any delivery of freight until complainant withdrew claims for goods lost in transit.

4418. Failure of the Canadian Northern Railway Company to fulfil promises that siding and loading platform would be constructed at a point between Sibbald, Alta., and Benton, Alta.

4419. Refusal of the Grand Trunk Railway Company to entertain claim for shipment of hardware lost in transit between London, Ont., and Dobbington flag station, Ont.

4420. Lack of drainage facilities on the right of way of the Campbellford, Lake Ontario and Western Railway at lots 23 and 24, concession 1, township of Sidney, Ont.

4421. Dangerous level crossing of the Georgian Bay and Seaboard Railway in the north half of lot 2, concession 8, township of Eldon, Ont.

4422. Shortage of cars for handling grain on the Canadian Northern Railway at Kindersley, Sask.

4423. Alleged excessive berth rate charged by the Canadian Pacific Railway Company between Vancouver, B.C., and Sicamous, B.C.

4424. The Quebec, Montreal and Southern Railway Company increasing the minimum weight on carload lumber and also increasing the freight rate per car.

4425. Refusal of the Canadian Northern Railway Company to compensate employee injured while manipulating defective appliance.

4426. Car shortage on the Grand Trunk Pacific Railway at Estlin, Sask.

4427. Delay in transit to shipment of shingles handled by the Grand Trunk Railway Company from Chicago, Ill., to Hespeler, Ont.

4428. Inability to obtain compensation from the Canadian Northern Railway Company for hay burnt in fire starting from spark from steam shovel.

4429. Lack of accommodation for freight at Alcona, Ont., on the Grand Trunk Pacific Railway.

4430. The regulations of the Canadian Pacific Railway Company with regard to the shipment of sheep in Alberta.

4431. The issuance of proposed Boston and Maine Railroad Tariff No. 1457.

4432. Unsatisfactory drainage provided by the Canadian Pacific Railway Company where they are filling in grades in the vicinity of Regina, Sask.

4433. Alleged excessive charges levied by the Intercolonial Railway for the reloading of lumber on a larger car while in transit from River John, N.S., to Trenton, N.S.

4434. Unsatisfactory delivery limits of the Dominion Express Company at Calgary, Alta.

4435. Dangerous level crossing of the Grand Trunk Pacific Railway at Amelia street, Fort Rouge, Man.

4436. Refusal of the Grand Trunk Pacific Railway Company to plank complainant's farm crossing on the northwest quarter of section 17, township 43, range 2, west of the fourth meridian.

4437. Alleged proposed increase in freight rate on anthracite and bituminous coal.

4438. Refusal of the Canadian Express Company to reimburse shipper for loss of peacock which died in transit en route from Strathroy, Ont., to Standard, Alta.

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4439. Refusal of the Northern Pacific Railway Company to furnish return fare from Toronto, Ont., to Winnipeg, Man., on presentation of certificate that complainant was attending the Canadian Pharmaceutical Convention. *

4440. The Grand Trunk Railway Company insisting on a locomotive engineer running a light engine for a shorter distance than 25 miles without a pilot.

4441. The Canadian Pacific Railway Company charging \$45 in advance on shipments of grain over their Weyburn-Lethbridge branch.

4442. Car shortage at Canterbury, N.B., on the Canadian Pacific Railway.

4443. Increase in the minimum carload weights on hay shipments to the United States.

4444. The Canadian Pacific Railway Company taking up tracks of the Fort William Street Railway where they intersect at Sixth street, Fort William, Ont.

4445. Blocking of King street, Berlin, Ont., by shunting operations of the Grand Trunk Railway Company.

4446. Alleged excessive freight rate charged by the Canadian Pacific Railway Company on a shipment of household goods shipped from Cowley, Alta., to Elora, Ont.

4447. Proposed increase in freight rates on turnips and potatoes in Ontario.

4448. Demurrage charges assessed by the Grand Trunk Railway Company on cars which could not be placed on the siding in Stratford, Ont., where they were wanted owing to the railway company putting the siding out of use temporarily.

4449. Alleged excessive freight rates on live stock from points in Alberta to the east and west, as compared with rates charged on American railroads covering the same distances.

4450. Delay in transit to a shipment of goods handled by the Grand Trunk Railway Company from Hamilton, Ont., to Welland, Ont.

4451. Alleged excessive charges collected by the Dominion Express Company on a parcel shipped from Winnipeg, Man., to Castlegar Junction, B.C.

4452. Failure of the Canadian Northern Railway Company to keep promises with regard to immediate payment for right of way and to pay for supplies furnished to surveyors on their Goose Lake branch.

4453. Refusal of the Atlantic, Quebec and Western Railway Company to furnish farm crossing in the vicinity of Grande Rivière, Que.

4454. Failure of the Canadian Northern Railway Company to build adequate fences along their Goose Lake branch.

4455. Car shortage at Hyas, Sask., on the Canadian Northern Railway.

4456. Refusal of the Quebec Oriental Railway Company to open highway across their tracks between lots 6 and 7, leading to the second range, at L'Anse Brillant, Que.

4457. Unsatisfactory train connection made between the Père Marquette and Grand Trunk Railway trains at St. Thomas, Ont.

4458. Delay of the Toronto, Hamilton and Buffalo Railway Company in settling claims for coal lost in transit.

4459. Car shortage on the Ridgeville branch of the Canadian Northern Railway Company at Wampum, Man.

4460. The Canadian Pacific Railway Company closing car order book to the public at Expanse, Sask., and giving the elevators more than their share of cars.

4461. Damage to farm and drainage system on account of the Canadian Pacific Railway Company constructing its Port McNichol line through property at Hartley, Ont.

4462. The Intercolonial Railway Company losing a shipment of galvanized iron pipe between Quebec, Que., and Cape de Maria, Que.

4463. Refusal of the Grand Trunk Railway Company to furnish piling space at Dobbinton, Ont.

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4464. Dangerous crossing of the Michigan Central Railway over first crossing east of Main street, Waterford, Ont., between concessions 8 and 9, township of Townsend, Ont.

4465. Alleged excessive rate charged by the Great North Western Telegraph Company on a message transmitted from Oakville, Ont., to Fort William, Ont.

4466. Alleged injustice of the Grand Trunk Railway Company in charging car rental on a car shipped from Fesserton, Ont., to Milton, Ont., from which several apple barrels were stolen on account of defective doors.

4467. Inability of complainant to have the Dominion Express Company forward a parcel to Expanse, Sask., which was sent in error to Mortlach, Sask.

4468. Dangerous crossing on the Campbellford, Lake Ontario and Western Railway at lot 20, concession 3, township of Pickering, Ontario.

4469. The Grand Trunk Railway Company running light engine backwards from Sarnia, Ont., to Forest, Ont., without a light on tender.

4470. Refusal of the Canadian Northern Railway Company to accept a shipment of rifles on their steamer *Royal George*, at Quebec, Que.

4471. Unsatisfactory condition of cattle guards at Wiarton, Ont., on the Grand Trunk Railway.

4472. Lack of proper planking on the Grand Trunk Pacific Railway Company's crossings in the northwest quarter of section 7, township 53, range 4, west of the fifth meridian.

4473. Unsatisfactory service of the Grand Trunk Railway Company between Toronto, Ont., and Ottawa, Ont., via Coteau, Que.

4474. Car shortage on the Canadian Northern Railway at Darcy Station, Sask.

4475. Failure of the Canadian Northern Railway Company to provide station and baggage accommodation at Dummer, Sask.

4476. Withdrawal of the Bell Telephone Company's service from Yamaska, Que.

4477. Alleged violation of the rules regarding the flagging of the Canadian Northern and Canadian Pacific Railway Companies' trains in the West.

4478. Refusal of the Grand Trunk and Canadian Pacific Railway Companies to furnish refrigerator car for a shipment of vegetables to be shipped from Jordon, Ont., to Sault Ste. Marie, Ont.

4479. Alleged practice of the Grand Trunk Railway Company of handing over cars of goods without the bill of lading and taking chances that the bill of lading will be supplied later.

4480. Alleged excessive express charges on shipments of parcels of weekly papers as compared with charges on daily papers

4481. Car shortage at Scollard, Alta., on the Canadian Northern railway.

4482. The Canadian Northern Railway Company's tracks running too close to buildings on private property at Bienfait, Sask.

4483. The Canadian Northern Railway Company keeping an operator on duty at Bears Pass Station, Ont., for long hours without rest.

4484. Refusal of the Canadian Pacific Railway Company to supply a 40-foot car for shipping household goods, although a 36-foot car will not hold the minimum weight of household furniture.

4485. Refusal of the Canadian Pacific Railway Company to furnish information to complainant as to how many cars of hay were shipped by his contractor at La Salle, Man., to Winnipeg, Man.

4486. Unsafe condition of engines running out of Havelock, Ont., on the Canadian Pacific railway.

4487. Delay of the Canadian Northern Railway Company in paying for right of way through private property at Delia, Alta.

4488. Dangerous level crossing of the Canadian Pacific Railway at Main street, Dundalk, Ont.

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4489. Inability to get tourist accommodation with second-class fare from Fleming, Sask., to Los Angeles, U.S.A.

4490. Special operating rules "E" and "F" as shown on the Canadian Pacific Railway Company's time cards.

4491. The Dominion and Canadian Express Companies discontinuing service at Sandwich, Ont.

4492. Unsatisfactory treatment received at the hands of the Canadian Pacific Railway while purchasing ticket at St. Kilda, Alta.

4493. Dangerous level crossings of the Canadian Northern Railway in the rural municipality of Meota, Sask.

4494. The operation of work trains without orders at Kamloops, B.C., by the Northern Construction Company, and the dismissal of an employee owing to an accident caused thereby.

4495. Dangerous level crossing of the Canadian Pacific Railway at the third crossing east of Claremont, Ont., at the Ninth Concession, township of Pickering, Ontario.

4496. The Canadian Pacific Railway Company raising elevation of track at Lemoyne Junction, Que., causing inconvenience to complainant who has to cross the track to get to some portions of his farm.

4497. Alleged unjust dismissal of an employee by the Grand Trunk Railway Company.

4498. Delay of the Canadian Pacific Railway Company in settling claims for shortage in weights of shipments handled from Calgary, Alta., to Vancouver, B.C.

4499. The Campbellford, Lake Ontario and Western Railway Company raising the elevation of their tracks in the Township of Sidney, Ont., and not grading the crossings to the new level.

4500. Unsatisfactory treatment received from the Kootenay Central Railway Company in connection with the settlement for lands taken for railway purposes at Brisco, B.C.

4501. Inability to secure satisfactory settlement with the Campbellford, Lake Ontario and Western Railway Company with regard to land and gravel pit expropriated on lot 21, concession 8, township of Camden, Ont.

4502. The Canadian Northern Railway Company's agent at McConnell, Man., closing the station on certain days of the week.

4503. Dangerous condition of highway crossings over the New York Central Railway on each side of the Chateauguay river.

4504. Sunday traffic between the ferry docks and Grand Trunk Railway Company's main line in the town of Cobourg, Ont.

4505. Dangerous condition of farm crossing on the Canadian Pacific Railway at lot 8, concessions 5 and 6, township of Winchester, Ontario, and refusal of the railway company to settle claim for cow killed at this crossing.

4506. The Grand Trunk Pacific Railway Company removing planks from crossings in the vicinity of Winter, Sask.

4507. Refusal of the Canadian Pacific Railway Company to make a satisfactory settlement for baggage lost in transit between Cranbrook and Vancouver, B.C.

4508. Inability of complainant to make a satisfactory settlement with the Canadian Pacific Railway Company for two horses killed on their right of way.

4509. Unsatisfactory time made by New York Central trains between Chateauguay, Que., and Montreal, Que.

4510. The New York Central Railroad having no issue of commutation or ten-trip tickets good for one year the same as other railways issue.

4511. Inability of complainant to get connection with the Bell Telephone Company at Barrie, Ont.

4512. Refusal of the Hastings Telephone Company to install a telephone in a house at Moira, Ont.

SESSIONAL PAPER No. 20c

4513. Alleged increase in rates on silver bullion by the Dominion and Canadian Express Companies on account of increase in rates asked by the White Star Steamship Line.

4514. Alleged excessive express charges on seven crates of chickens handled by the Dominion Express Company from Westmeath, Ont., to Toronto, Ont.

4515. Unsatisfactory routing given a parcel of furs by the Canadian Express Company shipped to Corry, Penn., U.S.A.

4516. Lack of proper fence at deep cut on the Canadian Pacific Railway at Abbey, Sask.

4517. Alleged unjust demurrage charge assessed by the Canadian Pacific Railway Company on thirteen cars of wood at Mile End, Montreal, Que.

4518. Alleged excessive cartage charges on a bag of dressed poultry delivered by the Manitoba Cartage Company in Winnipeg, Man.

4519. Delay of the Chicago, Burlington and Quincy Railway Company, the Grand Trunk Railway Company and the Temiskaming and Northern Ontario Railway Company in settling claim for engine lost in transit.

4520. Present freight rates on pulpwood from Craig's Road, Que., on the Grand Trunk Railway to Union, N.H., on the Boston and Maine Railway.

4521. Delay of the Railway Companies in handling freight shipments consigned to Kingston, Ont.

4522. The Michigan Central Railway Company's shunting operations blocking highway crossing at the Montrose freight yards, Ont.

4523. Delay of the Grand Trunk Railway Company in properly placing cars at Port Hope, Ont., and the demurrage accruing thereby.

4524. Advance charge of one dollar levied by the Canadian Pacific Railway Company on a car of grain shipped from Evesham, Sask.

4525. Refusal of the Grand Trunk Pacific Railway Company to entertain claim for horse killed on their right of way near Brewer, Sask.

4526. Lack of telegraph service at Colborne, Ont., on the Canadian Northern Railway.

4527. The Hydro-Electric Company stringing wires in among telephone wires in the village of Thamesford, Ont.

4528. Refusal of the Bell Telephone Company to extend telephone line to a residence in Montreal, Que., unless the complainant pay a portion of the cost of same.

4529. The discontinuance of special reduced tolls granted to physicians in Montreal, Que., by the Bell Telephone Company.

4530. Application of the Canadian Pacific Railway Company to close Thames street and expropriate Elgin street from Water street to the river in the town of St. Mary's, Ont.

4531. Unsatisfactory condition of the Grand Trunk Railway Company's gravel pit along the highway near the village of South Durham, Que.

4532. Failure of the Grand Trunk Railway Company to clear away snow at highway crossings in the village of South Durham, Que.

4533. Unsatisfactory drainage conditions on the right of way of the Grand Trunk Railway Company in the village of South Durham, Que.

4534. Dangerous condition of the Grand Trunk Railway Company's crossings in the village of South Durham, Que.

4535. Difficulty in obtaining titles for townsites from the Canadian Northern Railway Company even after land is paid for in full.

4536. Depreciation in value of property on account of the location of the Kettle Valley Railway in Penticton, B.C.

4537. The removing of platforms at stopping places on the Montreal and Southern Counties Railway.

4538. Unsatisfactory condition of approaches to Canadian Northern Ontario Railway Company's crossing in the village of Yarker, Ont., and the manner in which the crossing gates are operated.

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4539. Incorrect routing of a shipment of furs by the American Express Company from Sheddon, Ont., to Corry, Penn., U.S.A.

4540. Refusal of the Grand Trunk Pacific Railway Company to settle claim for cattle killed on their right of way west of Kinsella station, Alta., on account of lack of cattle guards and proper fences at that point.

4541. Unsatisfactory condition of highway crossing over the Grand Trunk Pacific Railway in the northeast quarter of section 10, township 35, range 27, west of the second meridian.

4542. Unsatisfactory drainage conditions at Creston, B.C., caused by the Canadian Pacific Railway Company filling in a cut at that point.

4543. The railway companies imposing a charge for the detention of refrigerator cars over and above the car service charges.

4544. The Canadian Pacific Railway Company refuse to allow their cars to be loaded with grain at Daysland, Alta., for shipment to Duluth, U.S.A.

4545. Alleged excessive rate charged by the Canadian Pacific Railway Company for passenger ticket from Dunmore Junction, Alta., to Calgary, Alta., and from Calgary, Alta., to Montreal, Que.

4546. The railway companies not notifying the different Boards of Trade in large cities of any changes proposed to be made in their freight tariffs.

4547. Failure of the Grand Trunk Pacific Railway Company to put a highway crossing over their tracks near Rutan station, Sask.

4548. Delay of the Canadian Pacific, Canadian Northern, Grand Trunk Pacific, and Great Northern Railway Companies in paying overcharge claims and refusal of the Great Northern and Canadian Pacific Railway Companies to furnish through billing on shipments to Eastern Ontario and Eastern United States points.

4549. The Grand Trunk Pacific, Canadian Pacific, and Canadian Northern Railway Companies' engines whistling unnecessarily in the city of Winnipeg, Man.

4550. The Canadian Pacific Railway Company holding up household goods owing to a dispute as to whether Complainant should pay freight rates as settlers' effects or household goods.

4551. Delay of the Canadian Express Company in settling claims when overcharges are made or goods are lost in transit.

4552. Canadian freight classification of wire oven racks.

4553. The Grand Trunk Pacific Railway Company running a train without a qualified conductor and no brakemen, tail lights or markers, out of Edson, Alta: The long hours of service of a brakeman at that point.

4554. The Canadian Pacific Railway Company not furnishing a proper heated car service between Sault Ste Marie, Ont., and Sudbury, Ont.

4555. Delay of the Canadian Pacific Railway Company in settling claim in connection with a shipment from White Sulphur, B.C., to Drumheller, Alta.

4556. Unsatisfactory train service on the Canadian Pacific railway at Tappen, B.C.

4557. Non-fencing on the Canadian Northern Railway Company's line between Drumheller, Alta., and Vegreville, Alta.

4558. Unsatisfactory condition of highway crossing over the Campbellford, Lake Ontario and Western Railway in lot 13, township of Cramahe, Ontario, and the unsafe condition of fences in that district.

4559. Failure of the Canadian Pacific Railway Company to notify patrons that there had been a wreck and there would be difficulty in getting through from Tottenham, Ont., to Toronto, Ont.

4560. Loss in transit of a box of luggage en route from Quebec, Que., to Meota, Sask., over the lines of the Canadian Pacific and Canadian Northern railways.

4561. Proposed construction of a trestle over Selkirk Water, Victoria Harbour, British Columbia, by the Canadian Northern Pacific Railway Company.

SESSIONAL PAPER No. 20c

4562. Alleged excessive freight charges on a car of cotton seed meal shipped from Memphis, Tenn., to Burgessville, Ont., via the Grand Trunk Railway.

4563. Bulletin of the Grand Trunk Railway Company issued at Toronto, Ont., having reference to locomotive engineers booking complaints.

4564. The Canadian Pacific Railway Company for charging full carload rate when the shipment only weighed 1,150 pounds.

4565. Refusal of the Canadian Pacific Railway Company to make refund on unused portion of ten-trip commutation tickets issued at Montreal, Que.

4566. The Central Ontario Railway Company filling in around piers at bridge crossing Egan Creek, at lot 10, concession 7, township of Dungannon, Ont., thus blocking the creek for the spring log drive.

4567. The Central Ontario Railway Company removing planking from crossing at the tenth side line in the township of Dungannon, Ontario.

4568. Unsatisfactory train service on the Grand Trunk Railway between Sarnia, Ont., and London, Ont.

4569. The Kingston and Pembroke Railway Company for removing planking at crossings in the vicinity of Harrowsmith, Ont.

4570. Lack of punctuality of the Grand Trunk Railway Company's trains running between Montreal, Que., and Vaudreuil, Que.

4571. The Canadian Northern Railway Company's proposed spur line crossing, Second avenue west, at Seventeenth street, Prince Albert, Sask.

4572. Alleged excessive freight rates charged by the Canadian Northern Railway Company on shipments of coal from Richdale, Alta., to Cereal, Youngstown, and Alsbak, Sask.

4573. Lack of station agent at Richdale, Alta., on the line of the Canadian Northern Railway.

4574. Refusal of the Bell Telephone Company to install a telephone for an applicant in Montreal, Que., owing to their being no pole line run in that vicinity.

4575. Refusal of the Dominion Express Company to call for parcels after 6 p.m. in the city of Montreal, Que.

4576. Unsatisfactory routing given by the Dominion Express Company to a shipment of raw furs from Cardston, Alta., to Corry, Pa., U.S.A.

4577. The Edmonton, Dunvegan and British Columbia Railway Company for not installing farm crossing in the northwest quarter of section 18, township 58, range 26, west of the fourth meridian.

4578. Alleged excessive cartage charges at Winnipeg, Man., on a shipment consigned from Rhein, Sask., on the Canadian Northern Railway.

4579. Canadian freight classification of catsups, jams, etc.,

4580. The Dominion Transportation Lines for delay in adjusting overcharges, improper collection of storage, and the miscarriage of goods.

4581. The Canadian Pacific Railway Company discriminating between individual owners of automobiles and taxicab owners in connection with the conveying of passengers from station in Winnipeg, Man., to points throughout the city.

4582. The Bell Telephone Company for charging a business rate for telephone installed in a residence at Guelph, Ont.

4583. Refusal of the Canadian Pacific Railway Company and the Intercolonial Railway Company to make refund on two unused tickets covering passage from Ottawa, Ont., to River Ouelle wharf, Que.

4584. Failure of the Grand Trunk Pacific Railway Company to provide accommodation for passengers and freight at King street, Entwistle, Alta.

4585. Refusal of the Grand Trunk Railway Company to make a settlement of claim for furniture broken in transit between East Rochester, N.Y., and Hamilton, Ont.

4586. Alleged excessive charges for interswitching services between the Grand

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Trunk Railway and the Niagara, St. Catharines and Toronto Railway, at St. Catharines, Ont.

4587. Blocking of highway crossing at Grand River, Ont., by trains of the Lake Erie and Northern Railway Company.

4588. The Seymour Power Company stringing power wires too close to a telephone line in the vicinity of Newcastle, Ont.

4589. Refusal of the Canadian Pacific Railway Company to make refund on unused tickets covering passage between Elkhorn, Man., and Balcarres, Sask.

4590. Refusal of the immigration officials at Port Huron, Ont., to make refund of head-tax collected from a manservant entering Canada.

4591. The Canadian Northern Railway Company tearing up planking at Highway crossing at Gilbert Plains, Man.

4592. Refusal of the Canadian Pacific Railway Company to place a station agent at Ralph, Sask.

4593. Delay of the Canadian Northern Railway Company in settling claim for a shipment of tamarack wood lost in transit.

4594. Lack of station or station agent in the village of Hughton, Sask., on the Canadian Northern Railway.

4595. Alleged excessive freight rates charged by the Canadian Pacific Railway Company on shipments of milk from St. John, N.B., to points in the United States.

4596. Unsatisfactory conditions at the Canadian Northern Railway Company's station at Aberdeen, Sask.

4597. Alleged excessive freight rates charged by the Canadian Pacific and Canadian Northern Railway Companies on a shipment of settlers' effects from Okanagan, B.C., to Minitonas, Man.

4598. The Canadian Pacific Railway Company removing agent from their station at Dafoe, Sask.

4599. The Canadian Pacific Railway Company not making satisfactory settlement with complainant in connection with wages that, it is alleged, are due him.

4600. Alleged excessive passenger fares charged by the Grand Trunk and Canadian Northern Railway Companies on trains running between Depot Harbour, Ont., and Parry Sound, Ont.

4601. Refusal of the Canadian Pacific Railway Company to allow complainant to load Canadian Pacific Railway Company's cars at Spanish river, Ont., because these cars are consigned to Grand Trunk Railway Company at North Bay, Ont., for delivery by that road in Toronto, Ont.

4602. Lack of roadway or entrance for vehicles to the Canadian Northern Railway Company's station grounds at Paynton, Sask.

4603. The Canadian Northern Railway Company, for closing station at Kelwood, Man.

4604. The Canadian Pacific Railway Company, for closing station at Hitchcock, Sask.

4605. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Pritchard, B.C.

4606. Alleged excessive freight rates charged by the Canadian Northern and Canadian Pacific Railway Companies on a shipment of settlers' effects shipped from Strathmore, Alta., to Girvin, Sask., via Regina, Sask.

4607. Delay of the Canadian Pacific Railway Company in remunerating complainant for property expropriated for right of way in section 18, township 8, range 2, west of the third meridian.

4608. Failure of the Great Northern Railway Company's train to stop on signal at Columbia Gardens, B.C., for shipment of potatoes consigned to Rossland, B.C.

4609. Alleged unjust demurrage charge assessed complainant by the Canadian Pacific Railway Company on a car of coal consigned to Yorkton, Sask., and for which proper notice of arrival was not furnished.

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4610. The Canadian Northern Quebec Railway Company's form of release in connection with shipments consigned from Montreal to flag stations on their line.

4611. The Canadian Express Company's alleged excessive charge on a shipment of books from Cornwall Junction, Ont., to Russell, Ont., over the Ottawa and New York Railway.

4612. Alleged excessive express charges on shipment of fruit handled by the Dominion Express Company from Toronto, Ont., to Meath, Ont.

4613. Failure of the Canadian Northern Railway Company to fulfil their part of an agreement with reference to the construction of a siding on their Goose Lake branch between Harris, Sask., and Tessier, Sask.

4614. Unsatisfactory train service and accommodation provided by the Canadian Northern Railway Company at Le Pas, Man.

4615. Alleged excessive freight charges on shipments of smoked fish handled by the Canadian Pacific Railway Company from St. John, N.B., to Brantford, Ont.

4616. Delay of the Michigan Central Railway Company in handling a shipment of groceries shipped from St. Catharines, Ont., to Bridgeburg, Ont.

4617. Delay of the Grand Trunk Railway Company in settling an account for alleged overcharge on a shipment of household effects shipped from Ottawa, Ont., to Crystal Springs, Florida, U.S.A.

4618. Blocking of traffic at Union street, Simcoe, Ont., by the Grand Trunk Railway Company's shunting operations at that point.

4619. Blocking of traffic at Talbot street, Canfield, Ont., by shunting operations of the Grand Trunk Railway Company's trains.

4620. Delay of the Canadian Pacific Railway Company in settling claim for household goods damaged while in transit from Outlook, Sask., to Biggar, Sask.

4621. The Canadian Northern Railway Company for closing station at Delmas, Sask.

4622. The Canadian Pacific Railway Company for closing station at Pambrun, Sask.

4623. The Canadian Northern Railway Company removing planking from highway crossings over their Delisle branch from Macrorie, Sask., west.

4624. The Bell Telephone Company's rate for telephone service at Lachine Locks, Que.

4625. Unsatisfactory train service furnished by the Grand Trunk Pacific Railway Company at Cudworth, Sask., on their Prince Albert branch.

4626. The Canadian Pacific Railway Company closing station at Corinne, Sask.

4627. The Canadian Pacific Railway Company closing station at Stalwart, Sask.

4628. The Canadian Pacific Railway Company closing station at Millet, Alta.

4629. Refusal of the Bell Telephone Company to give long distance connection to a rural telephone company at Howick, Que.

4630. Proposed change in location of the Grand Trunk Railway Company's station at Newtonville, Ont., to a point 3 miles west of its present location.

4631. Proposed location of the Canadian Northern Railway Company's line on Front street, Fort Francis, Ont., said line being an extension of the Ontario and Minnesota Power Company's spur line.

4632. Delay of the Grand Trunk Railway Company in handling shipments originating in the United States and destined to Quebec, Que.

4633. The circular issued by the Canadian Pacific Railway Company instructing their agents to make a charge for piling ground used where wood and pulp is waiting to be loaded.

4634. Delay of the Canadian Pacific Railway Company in settling claims.

4635. The Canadian Northern Railway Company closing station at Vibank, Sask.

4636. Alleged excessive rates charged by the Canadian Pacific Railway Company on carload lots of hay and straw shipped from Eddys, Ont., and Glen Rae, Ont., to Kazabazua, Que.

4637. Refusal of the Dominion Express Company to entertain claim for loss on account of delay of a shipment in transit.

4638. Alleged unsafe condition of the Canadian Northern Railway Company's bridge across the Saskatchewan river at Fort Saskatchewan, Alta.

4639. Alleged excessive freight rates charged on shipments of coke shipped from Toronto, Ont., to Buffalo, U.S.A., as compared with the rates charged on the same commodity shipped from Buffalo, U.S.A., to Toronto, Ont.

4640. Refusal of the Canadian Northern Express Company to make a satisfactory settlement of a claim for fruit found short at destination shipped from Winona, Ont., to Tamworth, Ont.

4641. Lack of fencing on the Grand Trunk Pacific Railway Company's right of way in the vicinity of South Bulkley, B.C.

4642. The Canadian Northern Railway Company closing station at Willmar, Sask.

4643. Inability to obtain any satisfaction from the Canadian Pacific Railway Company in connection with claim for refund of overcharge on shipments of cattle from Stratfordville, Ont., to Agassiz, B.C.

4644. The Canadian Pacific Railway Company for closing station and removing station agent at Keyes, Man.

4645. Alleged overcharge on a shipment of household effects and a sleigh from Shellbrook, Sask., to Leask, Sask., by the Canadian Northern Railway Company.

4646. Advance charges assessed by Canadian Railways on shipments of grain from various Canadian points to Minneapolis, Minn., U.S.A.

4647. The Canadian Pacific Railway Company closing their station at Beverley, Sask.

4648. The Grand Trunk Railway Company for encroaching on Main street, Callender, Ont., for their dock siding.

4649. Unsatisfactory treatment received from the Michigan Central Railway Company in connection with claims for fruit damaged in transit.

4650. Unsatisfactory location of the Canadian Pacific Railway Company's proposed subway at road allowance between sections 22 and 23, township 39, range 22, west of the fourth meridian.

4651. The Canadian Car Service Rules with regard to demurrage being charged at the same rate covering the same time on shipments of coal when shipped in small cars as when shipped in large cars even though the latter take much longer to unload.

4652. The Canadian Pacific Railway Company for closing station and removing agent at Tregarva, Sask.

4653. Refusal of the Grand Trunk Railway Company to settle claim for goods lost and damaged in transit from Paspebiac, Que., to Ottawa, Ont.

4654. Alleged excessive freight rate charged by the White Pass and Yukon Railway on the shipment of a launch sent from Skaguay, Alaska, to White Horse, Yukon Territory.

4655. Unsanitary condition of the Grand Trunk Railway Company's station and closets at Chesley, Ont.

4656. Lack of proper light at King Street crossing, Chesley, Ont., on the Grand Trunk Railway.

4657. Delay of the Kootenay Central Railway Company in making settlement for right-of-way expropriated in Columbia valley, British Columbia.

4658. Alleged dangerous crossing of the Grand Trunk Railway at Long street, Chesley, Ont.

4659. Refusal of the Canadian Pacific Railway Company to entertain claim for cow killed on their right-of-way at Revelstoke, B.C., although the cow gained access to the track through lack of proper fencing.

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4660. The Canadian Pacific Railway Company for closing their station at Folger, Ont., and removing the agent from that point.

4661. Refusal of the Canadian Pacific Railway Company and the Grand Trunk Railway Company to furnish a combination rate on a shipment of cooperage stock from Millbank, Ont., on the Canadian Pacific Railway to Stratford, Ont., on the Grand Trunk Railway.

4662. Refusal of the Canadian Freight Association to place ingot antimony and ingot tin in the fifth-class rate or else to take off the commodity classification babbler metals, stereotype and solders so that western manufacturers can compete with eastern manufacturers in supplying these commodities.

4663. Proposed tariffs of the Canadian Pacific Railway Company advancing the rates on brick, gravel and building sand from Cooksville, Ont., to Toronto, Ont., and vicinity.

4664. Proposed issue of supplements to tariffs of the Grand Trunk Railway Company advancing the rate on brick from Port Credit, Ont., to Toronto, Ont., and cancelling the existing rate on gravel and building sand from York, Ont., to North Toronto, Ont.

4665. The Canadian Pacific Railway Company's tariff E. 2028 effecting shipments originating at Sudbury, Ont., for export via New York, Philadelphia, and Baltimore, U.S.A., and requiring complainants to furnish certified copies of ocean bills of lading.

4666. Delay of the Canadian Northern Railway Company in settling for land taken for right of way in the east half of section 6, township 30, range 9, west of the fourth meridian.

4667. Lack of station agent on the Canadian Pacific Railway at Val Morin, Que.

4668. Unsatisfactory boat and mail service furnished by the Canadian Pacific Railway Company between Gray Creek, B.C., and Crawford Bay, B.C., and unreasonable fares charged between Gray Creek, B.C., and Crawford Bay, B.C., and also to Kootenay Landing and Riondel, B.C.

4669. Dangerous conditions at Palmers station, B.C., on the Esquimalt and Nanaimo Railway, on account of unsatisfactory access to and from the trains stopping at that point.

4670. The inconvenience caused by the removal of the Canadian Northern Railway Company's agent at Delmas, Sask.

4671. Dangerous condition of highway crossing over the Canadian Pacific Railway at Bellview, Ont., just east of the Central Ontario junction.

4672. The Canadian Pacific Railway Company for removing agent and closing station at Rokeyby, Sask.

4673. The Grand Trunk Railway Company removing planking from crossings in the south half of lot 4, concession 1, township of Nelson, Ontario.

4674. The Canadian Pacific Railway Company for removing station agent and closing station at Pearce, Alta.

4675. Failure of the Grand Trunk Pacific Railway Company to make settlement for lands expropriated for right of way purposes in the northeast quarter of section 34, township 8, range 5, west of the fifth meridian, in Bulkeley valley, B.C.

4676. The Canadian Pacific Railway Company for reducing train service on their Snowflake branch in the province of Manitoba.

4677. Unsatisfactory train service furnished by the Canadian Pacific and Canadian Northern Railway Companies between Lachute, Que., and Montreal, Que.

4678. Failure of the Canadian Pacific Railway Company to issue commutation tickets covering passage between Lachute, Que., and Montreal, Que.

4679. Refusal of the Grand Trunk Railway Company to furnish meals to first-

these passengers unless they hold full-fare accommodation tickets on the Montreal to Ottawa line.

4680. Increase in freight rate on chicken grit between Trenton, Ont., and Toronto, Ont., on the Canadian Northern Ontario Railway.

4681. The Canadian Pacific Railway Company for removing agent and closing station at Dunkirk, Sask.

4682. Alleged excessive freight rate charged on the shipment of a car of marble over the Niagara, St. Catharines and Toronto Railway.

4683. Alleged dangerous crossing of the Canadian Northern Railway Company at Boundary road between the townships of Portland and Camden, Ont.

4684. Alleged dangerous condition of highway crossing on the Canadian Northern Railway between the villages of Harrowsmith, Ont., and Sydenham, Ont., at lots 4 and 5, township of Portland, Ontario.

4685. Inability of complainant to obtain settlement with the Canadian Northern Railway Company for land taken for railway purposes in the village of Emo, Ont.

4686. Refusal of the Dominion Express Company to accept a shipment of furs at Belleisle, N.B., consigned to Corry, Penna.

4687. Unsatisfactory train service furnished by the Grand Trunk Railway Company between Sarnia, Ont., and London, Ont.

4688. Refusal of the Canadian Northern Railway Company to make compensation for cattle killed on their right of way at Big Valley, Alta., on account of lack of proper fencing on their line.

4689. The Canadian Pacific Railway Company for delay in transit to a car of coal shipped from Shand, Sask., to Hitchcock, Sask.

4690. Delay in the settlement of claims for goods lost or destroyed while in transit on Canadian railways.

4691. Alleged excessive charges on the shipment of a parcel from Montreal, Que., to Youngstown, Alta., by the Dominion and Canadian Northern Express Companies.

4692. Alleged excessive charges assessed by the Canadian Northern Express Company on a shipment consigned to Rossclair, Ont., which includes a charge for handling by stage.

4693. Refusal of the Canadian Pacific Railway Company to install a farm crossing on the southeast half of lot 9, concession 8, township of Cavan, Ontario; also the unsatisfactory drainage conditions at that point.

4694. The Grand Trunk Railway Company's delay in transit to the shipment of a circular saw frame consigned from Laprairie, Que., to Maria, Que.

4695. Unsatisfactory service and accommodation furnished by the Canadian Northern Railway Company to stock and stockmen while travelling on that line of railway in the west.

4696. Refusal of the Canadian Pacific Railway Company to construct a spur to gravel pit of complainant.

4697. Unsatisfactory treatment received from the Grand Trunk Pacific Railway Company in connection with an agreement of sale of portion of farm for right of way purposes in the southwest quarter of section 2, township 22, range 5, west of the third meridian.

4698. Alleged excessive rate asked by the Bell Telephone Company to install a telephone at Lachine, Que.

4699. Unsatisfactory train service and lack of sleeper accommodation on the Grand Trunk Railway Company's line between Kingston, Ont., and Montreal, Que.

1700. Delay in transit to a shipment consigned from Grenville, Que., to Greenfield, Ont., via the Canadian Pacific and Grand Trunk Railway Companies.

1701. Unsatisfactory condition of approaches of the International railway bridge at Queenston, Ont.

1702. Delay of the Grand Trunk Pacific Railway Company in settling their claims.

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4703. Alleged excessive express rates charged by the Canadian Northern Express Company on a parcel shipped from Calgary to Morinville, Alta.

4704. Delay of the Canadian Pacific Railway Company in settling for right of way expropriated in the northwest quarter of section 7, township 6, range 25, west of the second meridian.

4705. The Dominion Atlantic Railway Company cutting off access to bridge at Little Joggins River, N.S.

4706. Delay in transit to a box of personal effects shipped from Yorkton, Sask., to Portland, Oregon, U.S.A., by the Grand Trunk Pacific Railway.

4707. Lack of satisfactory business connections between the Bell Telephone Company and independent telephone companies in Ontario.

4708. Alleged excessive freight rates charged from points on the Canadian Northern Railway to points on the Canadian Pacific Railway, when shipment is routed via Camrose, Alta.

4709. Refusal of the Grand Trunk Pacific Railway Company to entertain claim for horses killed by their train on their right of way at a point where crossing gate had no fastenings, near Asquith, Sask.

4710. Lack of station agent and proper station facilities at St. Isidore Station, Que., on the Maine Central Railroad.

4711. The Canadian Northern Railway Company removing planks at crossings near Chinook, Alta., and particularly at crossing between sections 12 and 13, township 29, range 8, west of the fourth meridian.

4712. Refusal of the Grand Trunk Pacific Railway Company to entertain claim for loss of flour in transit from Edmonton, Alta., to Seba Beach, Alta.

4713. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Caughnawaga, Que.

4714. Refusal of the Grand Trunk Pacific Railway Company's Agent to accept, as baggage, cardboard boxes with handles containing personal effects.

4715. Issuance of supplement to Grand Trunk Railway Company's Tariff C.R.C. No. E. 2552 with regard to freight rates on common clay from Waterdown, Ont., to Mimico and Swansea, Ont.

4716. The Grand Trunk Pacific Railway Company removing station agent from their station at Ingelow, Man.

4717. Unsatisfactory train service furnished by the Canadian Pacific Railway Company to the town of Chelmsford, Ont.

4718. Alleged excessive freight rates on lumber when carried by the Canadian Pacific Railway Company as compared with freight rates charged by the Grand Trunk Railway Company.

4719. The Bell Telephone Company at Toronto, Ont., not inserting a firm name in their directory as requested.

4720. Altered dangerous crossing on the Kingston and Pembroke branch of the Canadian Pacific Railway Company just south of Oso station, Ont.

4721. Refusal of the Grand Trunk Railway Company to provide sufficient protection at crossing known as "Horse's" crossing in the village of South Durham, Que.

4722. Refusal of the Grand Trunk Railway Company to provide sufficient protection at three crossings, including Main Street crossing, in the village of South Durham, Que.

4723. Dangerous condition of highway crossings on the Canadian Northern, Ontario and Western Railway at lot 2, concession 5, and lot 22, concession 1, township 34 Oso, Ont.

4724. The Canadian Pacific Railway Company for refused to charge for transporting a station from St. Thomas, Ont., to Saskatoon, Sask.

4725. Unsatisfactory train service furnished by the Canadian Pacific Railway Company at Waltham, Ont.

4726. Alleged excessive express rate charged by the Canadian Express Company on shipments from St. Jean, Que., to St. Hubert, Que., as compared with the rate charged from St. Jean to St. Hyacinthe, Que.

4727. Alleged excessive freight rate charged by the Canadian Pacific Railway Company on shipment of an automobile from Pilot Mound, Man., to Pritchard, Sask.

4728. Unsatisfactory drainage system of the Grand Trunk Pacific Railway Company in section 30, township 34, range 17, west of the third meridian, near Spring water, Sask.

4729. Dangerous condition of the Canadian Northern Railway Company's crossing across road between lots 15 and 16, in the township of Darlington, Ontario, known as Seugog road.

4730. Dangerous condition of the Canadian Northern Railway Company's crossing between lots 28 and 29, township of Darlington, Ontario.

4731. Dangerous condition of the Canadian Northern Railway Company's crossing between lots 10 and 11, township of Darlington, Ontario, known as Manvers road.

4732. Unsanitary condition of Canadian Pacific Railway Company's boarding cars at Port Lock siding, Ont., and other points.

4733. Unsatisfactory station facilities at Dobbington, Ont., on the line of the Grand Trunk Railway.

4734. Unsatisfactory treatment received at the hands of the local manager of the Bell Telephone Company at Lachine, Que., when telephone service was withdrawn without good cause.

4735. Alleged dangerous crossing at "Longwoods Road" over the Père Marquette Railway, near Chatham, Ont.

4736. The Canadian Pacific Railway Company for not allowing their sectionmen to work on the Reston to Wolesey, Sask., branch of their railway except in the afternoons.

4737. Unsatisfactory condition of the mail and train service on the Irondale, Bancroft and Ottawa Railway between Kimmount, Ont., and Bancroft, Ont.

4738. Unsatisfactory condition of train and mail service on the Grand Trunk Railway between Lorneville, Ont., and Cobocook, Ont.

4739. Refusal of the Bell Telephone Company to install an instrument in factory on Chabot street, Montreal, Que.

4740. Alleged unsatisfactory treatment received from the Grand Trunk Pacific Railway Company in connection with settlement for lands expropriated for right of way purposes in lot 191, range 5, Coast district, right bank of the Skema river, British Columbia.

4741. The Canadian Pacific Railway Company for alleged excessive freight rate charged on a shipment of household effects from Portland, Oregon, to Lingham, Sask.

4742. The Grand Trunk Pacific Railway Company for alleged excessive freight rate charged in connection with the shipment of a consignment of cordwood from Richan siding to Winnipeg, Man.

4743. The Canadian Pacific Railway Company failing to divert and change the destination of car after shipping from Carson, B.C., thereby causing loss to the shipper.

4744. The Quebec Oriental Railway Company for failure to set off a shipment consigned to St. Omer flag station, Quebec, and carried same to the next station.

4745. Alleged excessive rates charged on express shipments of mineral waters when consigned to points on the Bay of Quinte and Central Ontario Railways.

4746. Refusal of the Dominion Atlantic Railway Company to grant a rebate on tickets purchased covering passage from Lawrencetown, N.S., to Halifax, N.S.

4747. Alleged unsatisfactory treatment received from the Canadian Northern Railway Company in connection with the sale of land required by the railway company for right of way and station purposes at Munson, Alta.

4748. Alleged failure of the Canadian Pacific Railway Company to install a farm

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crossing on property in the northeast quarter of section 26, range 2, west of the sixth meridian.

4749. Delay of the Canadian Express Company in settling claim for goods lost in transit from Abernethy, Sask., to Melville, Sask.

4750. Alleged excessive rate charged by the Boston and Maine Railroad Company for switching coal shipments at Lennoxville, Que.

4751. Failure of the Canadian Pacific Railway Company to supply car for shipping purposes at East Florenceville, N.B., the station agent claiming that larger shippers get the preference in the matter of car supply.

4752. The Canadian Pacific Railway Company closing Mahara station, Alberta.

4753. Lack of a proper loading platform at Dinsmore, Sask., on the Canadian Northern Railway.

4754. The Grand Trunk Railway Company charging more than sixty cents per ton for coal received at Buffalo, Black Rock or Suspension Bridge for delivery in any part of the city of Toronto, Ont.

4755. Loss and damage to household goods in transit over the line of the Canadian Pacific and Canadian Northern Railway Companies from Concession, Ont., to Okanagan Centre, B.C.

4756. The Canadian Northern Railway Company closing station and removing station agent at Underhill, Man.

4757. The Canadian Pacific Railway Company's unsatisfactory grain loading platform and approaches thereto at Shebo, Sask.

4758. The Bay of Quinte Railway Company discontinuing making connection with the Grand Trunk Railway Company's passenger trains from the east and west at Kingston, Ont.

4759. Refusal of the Grand Trunk Pacific Railway Company to make a settlement for goods lost and delayed in transit from Toronto, Ont., to Saskatoon, Sask., over the lines of the Grand Trunk and Grand Trunk Pacific Railway Companies.

4760. The Canadian Pacific Railway Company proposed diversion of their line where it crosses the town line between Pakenham, Ont., and Fitzroy, Ont., thereby necessitating the repackaging of certain portions of consignor's loads.

4761. The unsatisfactory condition of the Central Vermont Railway Company's station at Keefauver, Que.

4762. Unpaid concert treatment received from the Quebec Oriental Hotel Company when an accident took place on their line half way between Montpelier, Que., and Green Island, Que.

4763. Alleged unsatisfactory condition of freight facilities on the Grand Trunk Railway at the west of Greenfield Park, Que.

4764. Speed penalties on Canadian Pacific Railway between Stratford, Ont., and Hamilton, Ont., having proper clearance from trees.

4765. Speculative charges assessed by the Canadian Pacific Railway Company on shipment of hay from the Grand Trunk consigned to local parties on their line and returned to consignor on the same line then run to the Canadian Northern Railway Company's line within the city of Ontario, Que., also the Canadian Pacific Railway Company's excessive demurrage charges against it for hay from 30,000 to 40,000 pounds when such material is in demand to improve the fur export.

4766. Unjustified freight surcharges by the Toronto, Hamilton and London Railway Company's right of way in the city of Hamilton, Ont.

4767. The Canadian Pacific Railway Company, for an alleged unjust assessment of 2000 dollars extra per car over of well-recommended in London, Ont.

4768. The Canada Traction, Manufacturing and Power Company monopolized portion of consignor's receipts for a right of way for their proposed power line.

4769. The Canadian Pacific Railway Company not providing proper facilities for handling freight and the unsatisfactory condition of coal loading facilities at Esqueville, Ont.

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4770. The Cedars Rapids Manufacturing and Power Company expropriating portion of complainant's property for the parish of St. Joseph de St. Georges, Que., for right of way purposes for their proposed power line.

4771. Refusal of the Canadian Pacific Railway Company to make a settlement for a coal and timbered lost in transit while en route from Toronto, England, to Hamilton, Ont.

4772. The Sarnia River Company's proposed installation of float current from power at Lindsay, Ont., where a small motor is used to generate electricity for lighting purposes.

4773. The Grand Trunk Pacific Railway Company refusing coal shipments at Tims Hills, Alta., on its Telford-Calgary branch, consigned to Calgary, Alta., advising that they cannot handle these shipments unless they are granted a terminal slip at Calgary, Alta.

4774. Proposed increase in rates on the lines of the Michigan Central, Grand Trunk, Wabash, Penn. Maryland, New York Central and Hudson River, and West Shore railways, also the proposed cancellation of the Essex Terminal Railway Company as a participating carrier in international tariffs.

4775. Rules governing rolling in transit privileges as contained in tariff C.I.T., No. E. 2894.

4776. Refusal of the Bell Telephone Company of Canada to install an instrument in residence in Notre Dame De Grace, Montreal, Que., unless complainant pays for a portion of the work of constructing the line to that point.

4777. Alleged unsatisfactory passenger accommodation furnished by the Grand Trunk Railway Company from Inglewood, Ont., to points north and northeast, including Orangeville, Mount Forest, Owen Sound, Barrie, and McLeod, Ont.

4778. Lack of fencing along the Canadian Northern Railway Company's right of way in the northwest quarter section 3, township 18, range 20, west of the principal meridian.

4779. Lack of fencing along the Canadian Northern Railway Company's right of way at the southeast quarter of section 10, township 18, range 20, west of the principal meridian.

4780. The Canadian Pacific Railway Company fixing excessive minimum weight on shipments of manure such weight being beyond the possible capacity of the car.

4781. The Cedars Rapids Manufacturing and Power Company expropriating portion of complainant's property for right of way purposes for their proposed power line.

4782. Unsatisfactory drainage on the right of way of the Canadian Pacific Railway Company near Bester, Ont.

4783. "Lock of" fencing along the right of way of the Canadian Pacific Railway Company at a point 2 miles west of Sirdar, B.C.

4784. The Canadian Northern Ontario Railway Company's proposed spur to be constructed to serve the Box Factory, the Steel Equipment Company, the Pembroke Lumber Company, and local freight shippers of the town of Pembroke, Ont.

4785. Failure of the Canadian Pacific Railway Company to properly cover a log ditch crossing with gravel at a farm crossing near Bar River, Ont.

4786. Lack of station agent at Algar, Man., on the Canadian Northern Railway.

4787. Lack of station agent at Bellevue, Man., on the Canadian Northern Railway.

4788. Demurrage assessed on a car of coal which was unloaded at Perth, Ont., four days after same was received and no time was allowed for the passing of customs entry.

4789. The Dominion Express Company for improperly routing shipment of furs from Deep Rock, N.S., consigned to Corry, Penn.

4790. Refusal of the Canadian Express Company to make settlement for shipments of furs lost in transit from Delburne, Alta., to Oshkosh, Wis., U.S.A.

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4791. Alleged exorbitant charges assessed by the Dominion Express Company on a shipment of poultry from Hazel Cote, Sask., to Zeelandia, Sask.

4792. Canadian freight classification on grain picklers.

4793. The Canadian Pacific Railway Company removing agent and closing station at Cross, Sask.

4794. Delay and inconvenience to traffic caused by the Canadian Pacific Railway Company making shunting operations at Montcalm street crossing near Hull station, Qué.

4795. Unsatisfactory condition of Canadian Pacific Railway Company's station at Hull, Qué.

4796. The Canadian Pacific Railway Company closing station at Cheville, Alta.

4797. The Canadian Pacific Railway Company losing a sewing machine while same was in transit over their line from Hamilton, Ont., to Bisco, Ont.

APPENDIX B.

LIST OF APPLICATIONS HEARD AT PUBLIC SITTINGS OF THE BOARD
FOR THE YEAR ENDING MARCH 31, 1914.

4077. Complaint of the town of Merrickville, Ont., relative to train service at that point on the line of the C.P.R. (Adjourned hearing.) File 20679.

The flag station service to remain as it is until an order of the Board. With regard to the complaint of the village of Chesterville, this is referred to the board's chief operating officer to work out with the companies interested.

4078. Application of the C.L.O. & W. Ry. Co. under section 237, for authority (1) to divert the Kingston road in lots 14 and 15, concession 1, township of Darlington, part of said road lying within the town of Bowmanville, Ont.; (2) to carry said diversion across the tracks of the said railway by means of an overhead bridge at mileage 149.5 (from Glen Tay); (3) to continue said diversion to connect with the Kingston road; (4) to divert the road allowance between said lots 14 and 15, to connect with the said diversion of the Kingston road; the portions of said Kingston road and said road allowance thus replaced by the proposed diversions are to be closed. File 3701-204.

Order made that the applicant company be authorized to take the lands in question, also authorized to divert the Kingston road in lots 14 and 15, concession 1, township of Darlington; and to carry the road across the railway by means of an overhead bridge, the bridge to be 21 feet in width and detail plans of the structure to be submitted for the approval of the board's engineer. See order No. 19355.

4079. Application of the Vancouver Power Company, Ltd., for an order rescinding order of the board No. 17652 authorizing the C.P.R. to construct, maintain and operate branch line or spur for the American Lumber Co. across the tracks of the British Columbia Electric Ry. Co., at Sumas Junction, B.C. File 19759.

Application refused. Order issued to stand.

4080. Application of the C.N.O. Ry., under section 258, for approval of the location of its station grounds on lot 7, at Bealburg, township of Bealburg, county of Renfrew, Ontario. (Re-hearing). File 20143.

Order made approving location of the company's station grounds on lot 7 at Bealburg, township of Westmeath. Order No. 18468 cancelled.

4081. Application of the C.N.O. Ry. under sections 159 and 167, for approval of location and portion of revised location of its line of railway through the townships of Thunderbol, Stafford and Allen, county of Renfrew, mileage 82.62 to mileage 88.85, from Ottawa, excluding the spur line running into the town of Pembroke to the station grounds on Mary street. File 3561-131.

Order made granting the application upon the conditions set forth in the order. See order No. 19206.

4082. Application of the C.N.R. Co. under section 257, for authority to extend the existing foot bridge over the tracks at West Fort William, Ont. (To be spoken to.) File 17672.

No Order made.

4083. Application of Orillia Board of Trade for the granting of intersecting privileges to the G.T.R., C.P.R., and C.N.R. companies at Orillia.

7097.—Board will consider the question raised as to rental to be paid by C.P.R. to the G.T.R. in connection with latter company's land herein. File 6713-19.

No Order made.

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4084. Complaint of R. B. Faith, *re* condition of coaches on line of O. & N.Y. Ry. between Ottawa and Cornwall. File 8434.

Judgment reserved. Matter referred to the board's chief operating officer for report.

4085. Application of C.P.R. Co. under sections 227 and 237 to construct the tracks of its Bergen Northeasterly branch across the highway known as the West Kildonan road, and also the tracks of the Winnipeg Electric Railway Co., in the municipality of Kildonan, Man. File 20444-1.

No Order made.

4086. Application of the C.P.R. Co. under section 222 for authority to construct two sidings for H. B. Harrison across his property, known as lots 9, 8, 7, 6, 5, and 4, range 7, township of Sydenham, and lot 9, now being in the town of Owen Sound, Ont.

NOTE.—Messrs. Oliver and Webster are required to show cause why arrangement for joint use of this spur by Mr. H. B. Harrison and themselves should not be made, that the existing siding agreement should be cancelled by the board; the rights of Messrs. Oliver and Webster cancelled and provision made for the joint use of the said spur by both firms on terms to be fixed by the board. File 21387.

Order made granting the application.

4087. Application of the Lake Erie & Northern Railway Co. under sections 158 and 159 for approval of general location of proposed line from the city of Brantford to the town of Galt, Ont., station 0-00 to station 498-53-5. File 18034-7.

Order made approving location, subject to the conditions set forth in the order. See order 19087.

4088. Application of the Lake Erie & Northern Railway Co. under sections 158 and 159 for approval of location of its line of railway from station 498-53-5 in the township of South Dumfries to station 1113-00, being the terminus of said railway at the town of Galt, Ont. File 18034-14.

Order made approving location of line from station 0-00 at Lorne bridge, city of Brantford, to station 1113-00 at Main Street in the town of Galt, upon conditions set out in order. See order 19087.

4089. Application of the Lake Erie & Northern Railway Co. under section 287 for approval of railway crossing in the town of Galt. File 18034-11.

Order made authorizing the crossing of concession, Walnut, Bruce, and Main streets, city of Brantford. See order 19226.

4090. Application of the Lake Erie and Northern Railway Co. under section 287 for authority to carry its line of railway along and across William Street and Portland Street, in the town of Paris, Ont. File 18034-8.

Judgment reserved on the question as to whether a subway should be constructed at this point.

4091. Application of the Lake Erie and Northern Railway Co. under section 237 for authority to carry its line of railway across or along existing highways in the city of Brantford, Ontario. File 18034-5.

Order made authorizing the crossing of West Mill street, St. Paul street, Leonard and Market streets, Brantford. See order 19247.

4092. Application of the Lake Erie & Northern Railway Co. under section 237, for leave to carry its line of railway along and across town line between township of South Dumfries and Brantford (Waverton road, River road, and Concession road between concessions 1 and 2 township of South Dumfries, Ontario). File 18034-2.

Matter stands reserved for the next place.

4093. Application of the Lake Erie & Northern Railway Co. under section 237, for approval of the layout, crossing of the said railway in the township of South Dumfries, Ontario. File 18034-12.

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Order made authorizing the crossing of Fleming, Head, Maine, Princess streets, and River and Concession road, township of North Dumfries. See order 19565.

4094. Application of the Lake Erie & Northern Railway Co. under section 227 for leave to carry its line of railway along or across certain existing highways in the township of Brantford, Ontario. File 18034-10.

Order made authorizing the crossing of Concession road between concessions 2 and 3 in the township of Brantford. See order 19972.

4095. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of highway crossings of said railway within the township of North Dumfries, Ontario. File 18034-12.

Order made granting the application. See order 19250.

4096. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of crossing at grade of the tracks of the Brantford Street Railway Company at Brantford, Ontario. File 18034-18.

Application refused.

4097. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of crossing at grade of the tracks of the T. H. & B. Railway Co. in Brantford, Ontario. File 18034-17.

Order made granting the application. See order 19249.

4098. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of crossing at grade of the proposed tracks of the N. St. C. & T. Railway Co. at Brantford, Ontario. File 18034-19.

Matter stands; company to file new plans.

4099. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of connection with tracks of Lake Erie & Northern Railway with tracks of C.E.R. at Station 1113-90 at the town of Galt, Ontario. File 18034-21.

Order made granting the application. See order 19249.

4100. Application of the Lake Erie and Northern Railway Co. under section 227 for approval of the crossing at grade of the tracks of the Grand Valley Railway Co. at station 1259-06 at Galt, Ontario. File 18034-15.

Order made granting the application, crossing to be protected by half interlocking plant, the applicant company to bear and pay the whole cost of maintenance and operation of same. See order 19248.

4101. Application of the Lake Erie and Northern Railway Co. under section 227 for approval of the crossing at grade of the tracks of the Grand Valley Railway Company near Paris, Ontario. File 18034-16.

Order made granting the application, crossing to be protected by half interlocking plant, expense and maintenance of same to be borne and paid by the applicant company. See order 19321.

4102. Application of the Lake Erie and Northern Railway Co., under section 227, for leave to raise the tracks of the Grand Valley Railway Co., at the county line between the county of Brant and the county of Waterloo, station 868-97. File 18034-20.

Order made granting leave to the applicant company to raise the tracks of the Grand Valley Railway Co. 2 feet. See order 20130.

4103. Application of the Lake Erie and Northern Railway Co. under section 176, for leave to divert the raise of the Grand Valley Railway Co. at station 908-50 to station 937-69 in the township of North Dumfries, Ontario. File 18034-22.

No order made.

4104. Application of the Lake Erie and Northern Railway Co. under section 227, for approval of crossing at grade of the tracks of the G.T.R. at station 1074-72 9, Galt, Ontario. File 2501-131.

Order made approving application, subject to the conditions set forth in the order. See order 19296.

4105. Application of the Lake Erie & Northern Railway Co. under section 227, for

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approval of crossing at grade of the tracks of the G.T.R. at Deseronto, Ontario. File 10944-24.

Application stands adjourned to the next day.

4106. Application of the Lake Erie & Northern Railway Co. under section 257 for approval of under-passing of the G.T.R. tracks at station 748-609. File 10944-25.

Order made granting leave to the applicant company to erect a G.T.R. Tunnel's track to be crossed at an underpassing, under plans to be submitted to the general office of the G.T.R. and an engineer of the board. See order 19201.

4107. Application of the Lake Erie & Northern Railway Co. under section 257 for approval of under-passing of the tracks of the G.T.R. at Place, Ontario. File 10944-26.

Order made granting leave to the applicant company to cross the G.T.R. Company's tracks by means of an under-crossing, under plans to be submitted for the approval of the G.T.R. station engineer of the board. See order 19244.

4108. Application of the Lake Erie & Northern Railway Co. under section 257 for approval of under-crossing of the proposed location of the G.T.R. through the Holmston station at Deseronto, Ontario. File 10944-27.

Application stands pending the construction of the line.

4109. Application of the C.N.O. Railway under sections 146 and 167 for approval of location and location of revised location of its line of railway through the township of Pembroke, Suffolk and Alton, county of Renfrew mileage 82-83 to 85-83 from Ottawa, extending the main line running into the town of Pembroke to the station grounds on Mary street.

Note.—The question to be considered will be the duty of one of the Canadian Northern into Pembroke and whether an Order should be given authorizing the use of the G.T.R. right of way by the C.N.O.R. by the opening of running lines over it, or as a kind section to be worked out by arrangement between the parties.

The question of the construction of tracks at Mary street will also be considered at the same time. File 3601-184.

Order made granting the application, but excluding the gift tax of the railway company into the town of Pembroke to the station ground on Mary street, subject to conditions set forth in the Order. See order 19205.

4110. Application of the Hamilton Board of Trade for an order disallowing the tolls for local traffic within the Hamilton terminals, shown in the Grand Trunk Railway Company's C.R.C. No. F. 2677 and the Toronto, Hamilton, and Buffalo Railway Company's C.R.C. No. 878, which have increased the tolls previously allowed under tariffs C.R.C. Nos. E. 1682 and 200, respectively and restoring the tolls of these last mentioned tariffs. File 21778.

Effect.—Rate of tolls to be resumed L.L. & L.C. to be permitted to be allowed to charge the same as the Grand Trunk's old rate. Railway companies of the Corporation and others mentioned. Mr. Walsh to furnish board with information asked for.

4111. Application of the G.T.P. under section 257 for authority to construct an additional railway track across Township and to the eastward of Electric District to be used for passenger and freight service (extension of the Hamilton Company's line) at Brockton, Ont. and Fort Erie, Ont.

Note.—The question of the construction of a railway at this point will be considered. File 9437-933.

Order made directing applicant company to construct a 90-foot railway with the best material, at crossing of Thompson road, 20 per cent (not to exceed \$5,000) to be paid out of—The Railway Grade Crossing Fund¹, 15 per cent of the balance to be used by the P.M.R. Co.; 20 per cent by the M.C.R. Co.; 25 per cent by the Hamilton company, and 75 per cent by the township of Brockton plans to be filed by June 6, 1910; work to be commenced within thirty days after (plans) of work filed and to be completed within four months. See order No. 19216.

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4112. Petition of the residents of Grimsby East, Ont., for an order requiring the G.T.R. to provide a regular train service at Grimsby Beach in order to secure express service at that point. File 21725.

Struck off the list, as case settled.

4113. Application of Carroll Bros., of Buffalo, N.Y., for an order settling the terms of the agreement of the 4th of January, 1913, between the G.T.R. and Carroll Bros., respecting the laying and maintenance of the siding connection with the said G.T.R. at Sherston, Ontario. File 17332-1.

Order made dismissing the application. See order 20135.

4114. Application of Toronto and Niagara Power Company under section 249 for an order directing the T.H. & B. Ry. Co. to permit the applicant company to carry its wires across the right of way of the said railway company.

Order made granting the application subject to the conditions set out in the order. Order No. 18898 dated March 19, 1913, partially rescinded. See order 19214.

4115. Application of the town of Thorold, Ont., for interswitching facilities between the G.T.R. and the N. St. C. & T. Ry. Co. near the Colonial Wood Products Company's mill, in the town of Thorold, Ontario. File 6715-28.

Stands. Referred to the board's chief operating officer for report.

4116. Application of the T. H. & B. Ry. Co. under sections 221 and 222, for authority to construct a spur in the city of Hamilton, Ontario, from a point south of Simcoe street on a spur connecting with the applicant company's easterly belt line and running thence across Simcoe and Wellington streets to and into the lands of Messrs. Sawyer-Massey Co., Ltd. File 14475-1.

Order made granting the application subject to the conditions set forth in the order. See order 19212.

4117. Application of the T.H. & B. Ry. Co. under sections 222 and 221, for authority to construct a spur in Hamilton, Ontario, from a point on its easterly belt line of railway on a part of lot 7, concession 3, township of Barton, thence across Cumberland avenue to and into the premises of Messrs. Farnham-Nord, Ltd., and the Henry New Estate; and also under sections 235 and 247 for authority to cross said Cumberland avenue with said branch line or spur. File 21732.

Order made granting the application. See order 19211.

4118. Complaint of the Rogers Supply Co., of Toronto, that the Toronto, Hamilton and Buffalo and Canadian Pacific Railway Companies refuse the benefit of the board's general interswitching order in connection with the joint rate of 35 cents per ton on stone from Vinemount to Toronto, when Grand Trunk sidings within the interswitching limit are designated for unloading purposes. File 21597.

Application withdrawn.

4119. Application of the T. H. & B. Ry. Co. under sections 20 and 246 for an order restraining the Hamilton Contract Power Light and Traction Co., Ltd., from maintaining and erecting the high tension transmission power line and wires over the branch line of railway of the applicant company through lot 28, concession 3, township of Saltfleet, Ont., until permission of the board has been obtained by said Power Company for the construction and maintenance of the said power line and wires across the applicant company's track. File 20876.

Order made granting application. See order 19170.

4120. Application of the city of Hamilton, Ont., for an order directing the G.T.R. to provide protection at and near the subway where the highway leading northerly from York street passes under the Toronto branch of the G.T.R. in Burlington Heights near the northern city limits. File 7427-981.

If city desires anything done it is to submit plans to the railway company. Railway company to put in a galvanised iron floor to prevent oil and water from dropping on people. City to take matter up with railway company.

4121. Petition of W. D. Sweeney and others, residents and business men, of the vicinity of Hunter station, Hamilton, Ont., to the railway traffic on Hunter street, and

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asking that the level crossings along Hunter street should be abridged by depressing and covering the railway tracks of the Toronto, Hamilton and Buffalo Ry. Co. File 2000.

Hearing adjourned *sine die*. Parties and engineers to get together with a view of seeing how near they can come to an arrangement.

4122. Application of the city of Hamilton, Ont., under sections 247 and 248, for an order directing the C.P.R. Telegraph Co. to move its wires from portions of King and James streets, Hamilton, Ont. File 19724.

Order made that when the city of Hamilton has provided underground conduits in accordance with plans prepared by the city and approved by the board's electrical engineer, the companies named shall remove their poles, wires and lines from the portions of streets in the city of Hamilton, set out in the order. The question of apportionment of cost of said work reserved. See order No. 19238.

4123. Application of the city of Hamilton, Ont., under sections 247 and 248 of the Railway Act, for an order directing the Bell Telephone Company to remove the wires from portions of streets in Hamilton as follows: York, Market, King, Main, Jackson, Catherine, Bowen, John, Hughson, James, McNab and Bay streets. File No. 19725.

Order made that when the city of Hamilton has provided underground conduits, the wires of the Great North Western and Canadian Pacific Telegraph Companies shall be carried in said conduits, and the companies shall remove their poles, wires and lines from the streets as set out in the order. See order 19238.

4124. Application of the city of Hamilton under sections 247 and 248, for an order directing the G.N.W. Telegraph Co. to remove its poles, wires and cables from the following portions of streets in the city of Hamilton, Ont.: King street from Sophia street to Wentworth street; Main street from McNab street to Catherine street; James street from Main street to Stuart street, Merrick street from James street to York street. File No. 19723.

Order made that when the city of Hamilton has provided underground conduits, the wires of the Great North Western and Canadian Pacific Telegraph Companies shall be carried in said conduits; and the companies shall remove their poles, wires and lines from the streets as set out in the order. See order No. 19238.

4125. Application of the city of Hamilton for an order directing the Hamilton Electric Light and Cataract Power Co., Ltd., and the Hamilton Cataract Power, Light and Traction Co., Ltd., to remove their poles, wires and cables from portions of certain streets in the city of Hamilton as set out in the application. File 19730.

Order made that when the city of Hamilton has provided underground conduits, the wires of the Great North Western and Canadian Pacific Telegraph Companies shall be carried in said conduits, and the companies shall remove their poles, wires and lines from the streets as set out in the order. See order No. 19238.

4126. In the matter of the application of the T. H. & B. Railway Co. for an order under sections 221, 222, 223, of the Railway Act, authorizing the company to construct and operate two branch lines in the city of Hamilton to and into the lands of the Steel Company of Canada, Ltd. File No. 22050.

Order made granting the application.

4127. Consideration of the question of projection at the level crossing of the C.P.R. at Stewart street, Peterboro, Ont. File 9437-625.

Board decided that no order was necessary, Canadian Pacific Railway Co. undertaking to keep its cars back 50 feet from the street.

4128. Application of the G.B. & S. Ry. Co. (C.P.R.) under section 237, for authority to construct its main line track across St. Patrick and Dermot streets at mileage 72-21 in lot 29, concession 6, township of Ops, in the county of Victoria, Ontario, to close a portion of St. Patrick street and also a portion of Dermot street, and to replace same by a road diversion, the said road diversion to be crossed by the said tracks of the G.B. & S. Ry. (Rehearing). File 2400-102.

Order made appointing the judge of the County Court of the County of Victoria, arbitrator to determine the compensation to be paid Mr. Fee for damages sustained by reason of the diversion. See order No. 19288.

4139. Application of the C.L.O. & W. Railway under section 237.

(1) To divert the present highway between lots 8 and 9, concession B, township of Hamilton, Ontario, the proposed diversion to adjoin the railway on its south side, the portion of the present highway which is closed by the railway at mileage 117.51 to be closed at the point of crossing, and where it is replaced by the said highway diversion.

(2) To construct its line of railway at mileage 117.62 (from Glen Twp.) across the Cobourg and Grafton road, known also as the King-town road, between concessions A and B, township of Hamilton. (Adjourned hearing.) File 3701-44.

Order made authorizing the applicant company to divert the highway between lots 8 and 9, concession B, township of Hamilton, and to cross the Cobourg and Grafton Road by means of a subway, \$5,000 to be paid out of the Railway Grade Crossing Fund, the balance to be paid, 10 per cent by the Cobourg and Grafton Road Company, 10 per cent by the United Counties of Northumberland and Durham, 5 per cent by the township of Hamilton, 5 per cent by the township of Haldimand, and 50 per cent by the G.T.R. Co. See order 20228. Work to be completed by 14th August, 1914. Note.—The C.L.O. & W. and the G.T.R. have appealed to Governor in Council from this order.

4130. Complaint of the town and Board of Trade of Milverton, Ont., relative to alleged dangerous crossing of the G.T.R. at Mill street, Milverton, Ont. File 9437-982.

Order made directing the applicant company to install an electric bell at said crossing by the 1st December, 1913.

4131. Complaint of the town and Board of Trade of Milverton, Ont., relative to alleged dangerous crossing of the C.P.R. at Main street in the town of Milverton, Ont. File 9437-983.

C.P.R. Co. ordered to install an electric bell at the crossing by the 19th October, 1913, and maintain the same at its own expense, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance by the railway company. See order No. 20140.

4132. Application of the C.L.O. & W. Ry. Co., under section 258 for an order approving the location of its station building known as Brighton at Mile 97.1 (2) for an order under section 167, approving the change or alteration in its location approved by orders of the board Nos. 16235 and 16912, so as to include extra lands required for station grounds. File 3701-270.

Order made approving location of the railway company's station at Brighton providing that if traffic on the highway is blocked for more than five minutes at one time by reason of the location, the board may re-locate the station. See order 20331.

4133. Application of the G.T.R. under sections 256 and 257 for an order directing the C.P.R. at its expense, to reconstruct and thereafter maintain in a good and proper condition of repair, bridge No. 145, mile 12.23 10th district, G.T.R. carrying the applicant company's railway over the C.P.R. Company's railway (formerly the Ontario & Quebec Ry.) at a point 0.84 miles north of Myrtle, Ont. File 1750-34.

Order made directing the Canadian Pacific Railway Company to construct a bridge carrying the applicant railway over its line at the point in question. Canadian Pacific Company given leave to make application to the Supreme Court on the question of cost of work. See order No. 19298. See also judgment of Chief Commissioner dated June 13, 1915, and of Commissioner McLean dissenting therefrom.

4134. Complaint of John Pearce, of Cedar Grove, Ont., relative to alleged dangerous crossing of the C.L.O. & W. Ry., on his farm on the south half of lot 4, concession 4 township of Scarborough, Ontario. (Adjourned hearing.) File 3701-81.

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Order made directing the railway company to construct an *excavated crossing* on the applicant's farm. Work to be completed by the 33rd October, 1913.

4133. Application of the G.T.R. under section 178 for authority to expropriate certain lands, being part of lot 1, concession 7, township of Innisfil, county of Simcoe, Ontario, said lands being required for the purpose of diverting highway in the neighbourhood of Thornton station, in accordance with order of the board No. 17798. (Adjourned hearing.) File 9437-852.

Operation of previous order stayed. Nothing therefore, need be done with the present application.

4136. Application of the G.T.R. under sections 167 and 237, for an order:

(1) Approving plan, profile, and book of reference showing proposed deviation of main line and passing track of its Midland to Port Hope line, 8th district, Northern Division, as already constructed, between Ontario street and a point near Newman's file works, Port Hope, Ont.

(2) For authority to construct said main line and passing track across Barrett street, Port Hope.

(3) Approving the deviation of its present coal siding, Port Hope, Ont.

(4) Authorizing it to construct new freight siding track across Barrett street at grade west of the Midland to Port Hope tracks, as they will appear when diverted. File 3675-3.

Order made granting the application subject to the terms set forth in the order. See order No. 19251.

4137. Consideration of the matter of protection at the crossing of the Père Marquette Railroad one and three-quarter miles west of Kingsville station, Ont. File 9437-529.

Order made directing the Père Marquette Railway Company to install by the 25th September, 1913, an automatic electric bell at crossing; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the remainder to be paid by the railway company. See order No. 19907.

4138. Consideration of the question of protection at the crossing of the G.T.R. and C.P.R. at King street in the village of Weston, Ont. File 9437-985.

Order made protecting King and John streets in the village of Weston, by two sets of gates to be operated day and night. Cost of installation to be borne: one-fifth of the cost of each set of gates to be paid out of the Railway Grade Crossing Fund, one-third of the remainder to be paid by the village of Weston, the Grand Trunk and Canadian Pacific Railway Companies. Cost of maintenance to be borne: one-third each by the village of Weston, Grand Trunk and Canadian Pacific Railway Companies. See order No. 19232.

4139. Application of the town of Cobourg, Ont., for an order requiring the Grand Trunk Railway Co. to grant access to the harbour or dock located on the town wharfedale, owned by the said corporation, and connected with the G.T.R. main line, the said access having been refused. File 6713-41.

No order made.

4140. Application of the Toronto and York Radial Railway Co. for an order directing the Corporation of the City of Toronto and the G.T.R. or one of them, to pay expenses connected with the watchmen at Sunnyside Grade, Mimico, Ont. File 388-29.

Order made that the wages of the watchmen appointed by order of the Ontario Railway and Municipal Board at Sunnyside crossing, be paid one-third by the city of Toronto, one-third by the G.T.R. Co., and one-third by the Toronto and York Radial Railway. Balance of the application refused. See order 19227.

4141. Application, C.N.O. Railway under section 167, for expropriation and removal of several sections of its line of railway through the townships of York and Hamilton

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and part of the city of Toronto, in the bounds of York. Mileage 4-22 to mileage 7-13. File 12021-122.

Stands. Parties to submit statements of estimate of cost mentioned.

4142. Application of the C.N.O. Railway, under section 159, for approval of location of proposed entrance to the city of Toronto, township of York, mileage 251-84 to mileage 254-4 from Ottawa, Ont. File 3878-453.

Order made approving the location of the applicant company's proposed entrance to the city of Toronto, detail plans of the crossing of the C.P.R. and over Winchester street to be submitted for the approval of the board's engineer. See order No. 22166.

4143. Application of the C.N.O.R., under sections 227 and 237, for authority to construct its line of railway across Davenport road in the city of Toronto, Ont., and to cross the tracks of the Toronto Suburban Railway Co. by means of an overhead structure. File 12021-86.

No order made. City's engineer to see where the piers are to be placed.

4144. Application of the C.N.O. Railway under section 159 for approval of location of its line of railway through part of the city of Toronto, Ont., and townships of York and Etobicoke, mile 0 to 10-97 from Yonge street, Toronto, including original approval of mileage between the west side of Dovecourt road and mileage 4 on the west side of Keele street and under section 167, the approval of the revised location from Scarlett road to mileage 7. File 12021-102.

Matter stands, the parties to submit statements of estimate of cost mentioned at the hearing.

4145. Application of the corporation of the city of Toronto, Ont., under sections 237 and 238 for an order directing the C.P.R. Company to provide protection at the crossing of the tracks of said company at Osler ave., city of Toronto, Ont., by the installation of gates and watchmen to be operated night and day. File 9437-714.

Order made directing that the crossing be protected by gates to be operated day and night; work to be done by the railway company, and completed by July 10, 1913; 75 per cent of cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance to be paid, one-half by city of Toronto and one-half by G.T.R. See order 19229.

4146. Complaint of A. E. Nichols, of Fergus, Ont., against the rate of \$1 per ton charged by the G.T.R. Co., locally, on coal from Guelph to Fergus.

NOTE.—The railway company will be required to speak to the apparent discrimination in excluding points west of Belleville from the operation of the special mileage tariff on coal east thereof. File 21812.

Mr. Hayes stated that a reduction would be made to take effect the 5th May, 1913. If this is done no order need issue.

4147. Application of the Dominion Sugar Co., of Wallaceburg, Ont., for an order requiring the Père Marquette R. R. and C. W. & L. E. Railway Companies jointly with the G.T.R. and C.P.R. Companies to place their commodity rates on sugar in earloads, on a mileage parity with those from Montreal to the same points, by reducing the rate to Hamilton to 8 cents, and to Toronto to 9 cents per 100 pounds. File 21732. G.T.R.-C.R.C. No. E. 2644; C.W. & L.E.-C.R.C. No. 260; P.M.R.R.-C.R.C. No. 1265; C.P.R.-C.R.C. No. 2492.

Order made that the joint commodity rates of the Chatham, Wallaceburg and Lake Erie Railway Co. and the Père Marquette Railway in connection with the Grand Trunk railway and the Canadian Pacific Railway Companies for carriage of sugar in earloads from Wallaceburg, Ont., to Hamilton, be reduced to 10½ cents per 100 pounds, and 11½ cents per 100 on a minimum weight of 40,000 per earload, reduced rates to be made effective not later than 25th May, 1914. See order No. 21781.

4148. Application of the city of London, Ont., for an order requiring the G.T.R.,

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C.P.R., P.M.R.R., and M.C.R.R. Companies to include in their cartage area at London a "newly annexed portion, known as Ward Five." File 18663-18.

Order made fixing the express limits. See order No. 19539.

4149. Complaint of the Fonthill Gravel Company, Ltd., of Thorold, Ont., against the increase in rate on sand and gravel from Fonthill to Thorold to St. Catharines, Ont. (Hearing adjourned.) File 18265-1.

Complaint withdrawn.

4150. Complaint of the Fonthill Gravel Company, Ltd., of Toronto, Ont., against the N. St. C. & T. Ry. and G.T.R. Companies, for discrimination in favour of competitors and for not supplying sufficient cars for the forwarding and delivering of their traffic from their works at Fonthill, Ont. File 18265-2.

Complaint withdrawn.

4151. Application of the Fonthill Gravel Company, Ltd., of Toronto, Ont., for an order reducing the rates from Fonthill to Toronto on moulding sand, over the lines of the N. St. C. & T. Ry. and the G.T.R. Companies. File 18265-3.

Order made dismissing the application.

4152. Complaint of the Fonthill Gravel Company, Ltd., of Thorold, Ont., respecting rates on sand and gravel from Fonthill, Ont., to Merriton, Welland, Toronto, Port Robinson, Thorold and points on the lines of the G.T.R., T. H. & B. Ry., and the N. St. C. & T. Ry. File 18265-4.

Stands to enable the parties to arrange settlement.

4153. Complaint of the Board of Trade of Toronto, Ont., against the increase in the switching rates on building sand within Toronto terminals, also increase in rates on building sand from Cooksville, Ont., to Toronto; also against the increased rates for local switching within Toronto terminals as published by the C.P.R., G.T.R., and C.N.R. File 21700.

Judgment reserved. Order issued suspending increases in switching rates on sand, gravel and brick, pending the determination of the matter by the board. See order 21329.

4154. Application Bell Telephone Company for an order rescinding order No. 14184, in so far as it affects the Ingersoll Telephone Company, Ltd., the Blenheim and South Kent Telephone Company, Ltd., the People's Telephone Company, Ltd., of Forest, the South Lambton Telephone Co-operative Association, Ltd., the Markham and Pickering Telephone Company, the Niagara District Telephone Company, Ltd., the Municipal Corporation of the Village of Brussels, being the initiating municipality of the Brussels, Morris and Grey Municipal Telephone System, and the Wheatley Telephone Company, Ltd.

Application of the Markham and Pickering Telephone Company, Ltd., and other companies to have the order of the board No. 14184, varied. File 16171, part 3.

Order made approving the general form of contract to be entered into between the Bell Telephone Co. and the applicant company. See general order No. 114.

4155. Application Forwarders Limited, of Kingston, Ont., for a siding turning out from the line of the G.T.R. crossing William street and connecting with the elevators of the applicant company at Kingston, Ont. File 21739.

Approval of plan refused. City of Kingston to take up with the Grand Trunk the question of serving the milling industry. Stands to see if a proper solution cannot be arrived at.

4156. Consideration of the matter of protection at the crossing of the G.T.R. at King street, Cobourg, Ont.

NOTE.—The question to be considered is the matter of the cost of maintaining a flagman. File 14210.

Order made for a flagman; 80 per cent of his wages to be paid by the railway company and 20 per cent by the town.

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4157. Petition of J. A. Lane, M. E. Gilbert, H. E. Stinson, and about sixty other commercial men relative to the train service of the Bay of Quinte Railway. File 21660.

Matter referred to the board's Operating Department to investigate and report upon.

4158. Complaint of W. J. Paul, M.P., Ottawa, Ont., respecting alleged unsatisfactory mail service along the line of the Bay of Quinte Railway between Napanee and Tamworth, Ont. File 21525.

Order made requiring the C.N.O.R. to restore the former connection with Napanee and directing that when the G.T.R. train is late the C.N.O.R. is to hold its train fifteen minutes for connection. Change to go into effect on or before 1st September, 1913. See order 20133.

4159. Application of the C.L.O. & W. Ry. Co. for approval of plan showing general layout of bridge No. 76-85 over Moira river. File 3701-245.

Order made granting the application. See order No. 19964.

4160. Application of the C.L.O. & W. Ry. Co. under section 237, for authority to construct across the Kingston Road in the west half of lot 13, concession 1, township of Thurlow, Ontario, at mileage 74.70 from Glen Tay, Ont. File 3701-236.

Order made for construction. The question of protection reserved. The Reeve of the municipality to file statistics as to traffic.

4161. Application, C.L.O. & W. Ry. under section 237, for authority to construct by means of grade crossings the tracks of its main line across certain streets in the city of Belleville, Ont., and to close up within the limits of the right of way certain streets in the city of Belleville. Mile 75-93 to mile 77-76. File 3701-292.

Order made granting the application. See order 19962.

4162. Application of the C.L.O. & W. Ry. Co., under sections 167, 159 and 176, for authority (1) to revise present location (approved under Order No. 15289) from mile 75-45 at the western boundary of road allowance between lots 9 and 10. Broken Front concession, township of Thurlow, Ontario, thence across said township, and across the city of Belleville to mile 77-75. (from Glen Tay); (2) to locate its railway from mile 77-75 to mile 79-5 a point on the western boundary of the east half lot 31, concession 1, township of Sidney, Ontario; (3) to take possession of certain right of way and tracks of the C.N.O. Ry. from mile 76 to mile 79-4. File 3701-290.

Order made granting the application. See order 19651.

4163. Petition of ratepayers of the city of Belleville, Ont., respecting the location of the C.L.O. & W. Ry. Co. through the city of Belleville, Ont. File 3701-29.

Order made approving of the revised location of the company's line and authorizing the city of Belleville to lay a water pipe under the tracks of the C.N.R. at the foot of Mary street; balance of the application on behalf of the city of Belleville, refused. See order 20609.

4164. Application of the corporation of the city of Belleville, Ont., and the Graham Co., Ltd., of the same city, for interswitching facilities between the Grand Trunk and Canadian Northern Ontario Railways at Belleville. File 6713-30.

Order made directing the Canadian Northern Ontario and the Grand Trunk Railway Companies to provide interswitching facilities, and by the 17th June, 1913, to file plans of proposed connection and interchange tracks. Proportionment of cost reserved. See order No. 19481.

4165. Complaint of H. L. Ketcheson, Belleville, re C.P.R. blocking up water-courses and refusing to furnish cattle pass on lots 27 and 28, township of Sydney, Ont.

Question of drainage to be attended to by the railway companies at once. Culverts to be cleared within forty-eight hours.

4166. Application of John Fletcher, lot 2, concession 7, township of Ross, for an order directing the C.N.O. Ry. to provide cattle pass on his property. File 3561-137.

Order made directing cattle pass to be constructed.

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4167. Application of John Wilson, south half lot 1, concession 7, township of Ross, for an order directing the C.N.O. Ry. to provide cattle pass on his property. File 3561-138.

Order made directing cattle pass to be constructed.

4168. Application of the C.N.O. Ry. Co. under section 252, for authority to construct a farm crossing for J. J. Stinson at Station 667-80, and a farm crossing for Robert Moore at station 668-10 in lots 11 and 12, concession 2, township of Nepean, Ont. File Nos. 3561-126 and 3561-134.

Order made authorizing the applicant company to construct under crossings on the farms of Messrs. Stinson and Moore. See order 19503.

4169. Application of township of March, Ontario, that the Board re-open order No. 17199, approving of the highway crossing between concessions 3 and 4, in said township, on the line of the C.N.O. Ry. File 3561-99.

Order as issued stands. Present application refused.

4170. Application city of Fort William, Ont., under sections 227 and 229, for an order permitting the crossing by the city with its electric street railway on the level over the railway of the C.N.R. at the intersection of Victoria and Vickers streets, also at intersection of Franklin street, Fort William, Ont.

NOTE.—Terms of draft order to be spoken to. File 21135.

Order made granting the application, subject to the conditions set forth in the order. See order No. 19319.

4171. Application of the C.N.Q.R., under section 227, for authority to cross jointly with the lines and tracks of the Lachine Jacques Cartier and Maisonneuve Ry. under the lines and tracks of the C.P.R. near Jacques Cartier Junction, Que.

NOTE.—The details of the bridge are to be considered. File 2345-75.

Application dismissed. Plans approved.

4172. Application of the C.N.R. Co., under section 364, for an Order recommending for the sanction of the Governor in Council an agreement dated April 30, 1912, between the C.N.R. Co. and His Majesty the King for the running of trains of the Midland Railway Co. of Manitoba over the tracks of the other parties at Winnipeg, Man.

NOTE.—The board will consider the question of requiring the G.N. Ry. Co. and the Northern Pacific Ry. Co. to carry passengers to, from and between points at which their trains stop between Emerson and Winnipeg, and to issue regular tickets to and from such points. File 19399, part 2.

Improved service to be furnished by the railway company.

4173. Application C.L.O. & W. Ry., under section 237, for authority to construct its line of railway across highways between lots 10 and 11 and lots 20 and 21, Broken Front concession, township of Clarke, mileage 137-13 and mileage 139-93 from Glen Tay.

NOTE.—The board will consider the question of the contribution to the cost of this work on the part of the G.T.R. as reserved by order No. 18928, dated 27th March, 1913. Files 3701-130 and 3701-131.

Order made settling the terms of contribution.

4174. Application C.P.R. Co., under section 227, for authority to construct its Forsyth branch across the tracks of the Montreal Tramways Co. on Lasalle, Pie X, and Aird streets, in the town of Maisonneuve, Montreal, Que. File 17716-4.

Order made providing for headroom 15 feet 6 inches, and a 5 per cent grade.

4175. Application C.P.R. for authority to divert Souligny avenue, Montreal, Que. File 17716-2.

Board will settle terms of the order.

4176. Application of G.T.R., under section 178, for authority to expropriate a part of lot 190 in the parish of St. Agapit, county of Lotbiniere, Que., said lands

being the property of Mr C. Dutil, and being required for additional station facilities at St. Agapit, Que. File 14868-1.

Order made granting the application.

4177. Application Toronto Suburban Railway Co. to construct across C.P.R. in township of York, Ontario, by undercrossing. (Adjourned hearing.) File 21563.

Order made for undercrossing. Connection applied for refused.

4178. Application of the G.T.P. Ry., under section 258, for approval of its station site and station at Prince George, mile 467-3, Prince Rupert East, in Indian Reserve No. 1, range 4, Cariboo district, British Columbia. (Rehearing.) File 21418.

Order made directing the Grand Trunk Pacific Railway Co. to erect a station 3,000 feet east of the eastern boundary of Fort George townsite. Order No. 18902, dated March 20, 1913, rescinded. See order No. 19437.

4179. Application G.T.R. for authority to expropriate certain lands required in connection with new freight shed and railway tracks at Pembroke, Ont. File 21924.

Order made granting the application.

4180. Application of the G.T.P., under section 258, for approval of proposed station site and station at Fort Fraser, mile 572, Prince Rupert East, and the north-west quarter of section 22-13-15, Coast District, British Columbia. File 18970.

Order made.

4181. Consideration of the matter of yard-limit boards in connection with all railway companies subject to the board's jurisdiction. File 4135, part 4.

Special Rule "F" to be cancelled so far as it relates to western lines. Rule "E" so far as it affects eastern lines to be referred to the board's chief operating officer.

4182. *Re Embargoes.* Consideration of the matter of amending general order No. 95, dated November 2, 1912, so as to require all railway companies subject to its jurisdiction to file with the board copies of all notices dealing with the diversion of or restriction on traffic. File 19801-40.

No order made.

4183. Complaint of Dr. J. Holderoft, of Havelock, Ont., respecting train service of Central Ontario Railway. File 21041.

Order made providing for adequate train service. See order No. 19684.

4184. Application of Fruit Growers' Association, of Ontario, *re* concentration of storage points and reshipments of fruit.

NOTE.—Railway companies may speak to the question whether it was within the jurisdiction of the board to give the direction contained in clause 2 of order 18825. File 19666.

Order made granting leave to appeal to the Supreme Court of Canada on the question of jurisdiction.

4185. Application municipality of Fort Garry, Winnipeg, Man., in connection with matter of subways occasioned by the C.N.R. cut-off, Winnipeg, Man. File 20311-1.

Order made dismissing the application.

4186. Application C.P.R. under section 246, for an order authorizing it to construct its new trackage in railway yard, North Transcona, across the city to Winnipeg's transmission line in lot 58, Kildonan, Man. File 1477-6.

Order made granting the application. See order No. 19595.

4187. Application C.P.R., under sections 227 and 237, for authority to construct the tracks of its Bergen northeasterly branch across the highway known as the west Kildonan road, and also across the tracks of the Winnipeg Electric Railway Company in the municipality of Kildonan, Man. File 20444-1.

Order made directing the C.P.R. Co., to construct subways at Scotia, Parkside, and Main streets, and Kildonan road in the municipality of Kildonan, Man., as shown on plan subject to the terms and conditions of an agreement dated May 29, 1913, filed.

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Applicant company to bear and pay cost of construction of subways. See order No. 20030.

4188. Application C.P.R., under sections 227 and 237, for an order authorizing it to construct temporary track on its Bergen northeasterly branch across the East Kildonan road and also across the tracks of the Winnipeg Street Railway Co., already constructed along said road where it crosses lot 58, of the parish of Kildonan, province of Manitoba. File 20444-3.

No order necessary.

4189. Consideration of the matter of protection at first crossing east of station building, Government road allowance, at Herbert, Sask., on the Swift Current subdivision of the C.P.R. File 9437-978.

Orders made directing the railway company to move to the west of the Government road allowance all portions of its tracks on the south side of main line, also directing that no cars be left standing closer than 450 feet from the said road allowance, also that the company erect sign posts showing clearance at the point mentioned, also directing that the cattle pens leading to platform Royal Elevator building be moved to a different point at west end of yard, and certain other directions. Order No. 18613 rescinded. See order 19500.

4190. Application of C.P.R. for an order relieving the company from maintaining a watchman at crossing west of station building at Grenfell, Sask., known as Anderson street crossing, ordered by order of the board, No. 18705, dated February 14, 1913. File 9437-979.

Order made amending order No. 18705, dated February 14, 1913, but provided that the cost of maintenance of watchmen employed be divided equally between the company and the municipality. See order No. 20018.

4191. In the matter of the complaint of the Regina Board of Trade that the tariffs of the Canadian Northern and Canadian Pacific Railway Companies do not carry out the provisions of order of the board No. 12520, dated December 10, 1910. File 12682 Part 2.

No order made. Matter stands to be dealt with in connection with the Western Rates Case.

4192. Application, Express Traffic Association of Canada, on behalf of the express companies represented at Portage la Prairie, Man., for approval of delivery limits.

Order made fixing the limits for collection and delivery of express by express companies as set forth in the order, and rescinding order. See order 19709.

4193. Application Boards of Trade of Fort William and Port Arthur for the discontinuance of the practice of railway companies giving free storage at those points to traffic from the east. File 18508.

Judgment reserved. Applicants to file tariffs for storage which they consider reasonable.

4194. Complaint of landowners and residents of White Rock, B.C., relative to G.N.R. Co. failing to provide facilities for the public to get to the waters of Semiahoe bay, about three and one-half miles north of the international boundary line, more particularly in section 10, township 1, New Westminster district. File 20178.

Order made directing the G.N.R. Co. to construct a pedestrian subway 8 feet in width by 7½ feet in height at the foot of Subway avenue. Also directing the company by June 19 to file detail plans of the subway and to construct same within three months after the approval of plans. Cost of construction to be paid, one-half by the G.N.R. Co. and one-half by the municipality of Surrey.

4195. Application C.P.R. for approval of portion of location of its Port Moody and North Shore branch from a point in lot 256 to lot 555, district of New Westminster, B.C. File 13477-1.

Order made approving the location of the applicant company's Port Moody and North Shore branch, work to be completed by July 28, 1913. See order 19814.

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4196. Application, Municipal Council of city of Victoria, B.C., for an order directing the E. & N. Ry. Co. to construct and install a steel span girder bridge upon and over Hereward road, a public highway within the city of Victoria, in place of present existing trestle bridge over said street and to re-grade said highway. File 21858.

Order made directing the Esquimalt and Nanaimo Railway Co. to construct a bridge over Hereward road; the work to be done by the 7th December, 1913, the plans of proposed bridge to be submitted to the Board for approval; the cost of construction to be apportioned as follows: 20 per cent to be paid out of the Railway Grade Crossing Fund, and of the balance, one-third by the railway company and two-thirds by the city of Victoria. See order 19513.

4197. Application V.V. & E. Railway and Navigation Co., under sections 178, 180 and 227, for authority to expropriate certain lands in the New Westminster district, part of the lands being required for the purpose of diverting the Gunn road and Brunette road, and part for the purpose of providing an overhead crossing over the tracks of said railway company at the north road; also for an order closing portions of the Gunn road and Brunette road. File 572-33.

Order made granting the application subject to the conditions set forth in the order. See order No. 19928.

4198. Application V.V. & E. Railway and Navigation Co., under section 227, for leave to join their railway with the line of the Canadian Northern Pacific Railway Company near Sumas landing, district of New Westminster, and for the crossing of the Green road, on lot 277, township 23, district of New Westminster, British Columbia. File 572-31.

Struck off the list, with leave to renew.

4199. Application of city of Vancouver, B.C., for an order directing the V.V. & E. Railway and Navigation Co. to provide and construct a permanent and sufficient steel bridge over its cutting where the same intersects Broadway in the city of Vancouver, B.C. File 20063.

Struck off the list.

4200. Complaint British Columbia Sugar Refining Co., of Vancouver, B.C., relative to alleged discrimination by Canadian railways in rates on sugar in favour of eastern refineries to points in western provinces.

NOTE.—Board will hear such further representations as parties may desire to make. File 19700.

Stands. The applicant company to file particulars of its trade, showing reductions it has made in order to compete with Montreal refineries.

4201. Application of Canadian Freight Association for a ruling of the board as to the proper allowance to be made from track scale weights on various commodities. File 8799-1. Judgment reserved.

4202. Application Burrard Inlet Tunnel and Bridge Company for approval of the location of their railway from station 0-00 to 266-44. File 15732.

Struck off the list, with liberty to renew application if desired.

4203. Application, Burrard Inlet Tunnel & Bridge Company for approval of the location of their railway from station 0-00 to station 130-03-6 on the south side of Burrard Inlet and for the approval of the location on the north side of Burrard inlet, from station 148026 to station 174-88-7.

Order to go as soon as evidence filed of the proper formation of the Burrard Tunnel and Bridge Co.

4204. Application, Burrard Inlet Tunnel and Bridge Company, for approval of location plan of their line of railway from a point on Railway avenue on the north side of Second Narrows, Burrard inlet, station O, thence through city of Vancouver,

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thence by tunnel under the First Narrows, Burrard inlet, to a point on Georgia street, Vancouver, B.C., Station 345 x 43-4. File 15732-2.

Struck off the list, with leave to renew.

4205. Application, Burrard Inlet Tunnel and Bridge Company, for approval of location of their line of railway from a point on Railway avenue on north side of the Second Narrows, Burrard inlet, thence in an easterly direction and northerly direction to a point on Deep Cove, station 4 to 56-3 to station 324 to 32. File 15732-3.

If the C.P.R. Co. proceeds with its work, the formal order in this case is to be rescinded.

4206. Application of the C.P.R. Co. under sections 29 and 258, of the Railway Act to review order No. 19783, dated 13th December, 1912, and for approval of the location of its station at Coquitlam, B.C. File 20750.

No order made. No further action being deemed necessary until the C.P.R. Co. makes a further application.

4207. Application of the city of Vancouver, B.C., *re* subway at Columbia avenue. File 9437-343.

Referred to board's chief engineer to report, as to the pedestrian subway. City of Vancouver to file by the 19th of June, detail plans for the approval of an engineer of the board. The work to be constructed within 4 months of approval of the detail plans.

4208. Complaint of Wm. Neilson, of Fruitvale, B.C., that passengers are unable to obtain return tickets from conductors on trains from Fruitvale to Rossland. File 20855.

No order made. Company stated that instructions had been given to its conductors to issue return tickets to Rossland.

4209. Application of the G.T.P. Ry. Co., under section 258, for approval of station site and station at Tyec, mile 26-5, Prince Rupert East, lot 27, range 5, Coast district, B.C. File 21417.

Order made that order 18592, dated January 29, 1913, be amended by striking out the words "until the opening of navigation."

Railway company directed to stop its trains at Haysport until further order of the board.

4210. Application of the C.P.R. Co., under sections 221 and 222 of the Railway Act, to construct spurs to the property of John Coughlan & Sons, South False creek, D.L. 200A, of Vancouver, province of British Columbia, for authority to construct and operate said spurs.

Order made granting the application. Spurs to be constructed by the 19th August, 1913.

4211. Application of the C.P.R. Co., under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to be constructed to the property of the Call Switch Co., Ltd., in the city of Port Coquitlam, B.C.

Order made granting the application. Spur to be constructed by the 19th August, 1913.

4212. Application of the C.P.R. Company, under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to the city of Kamloops in the province of British Columbia.

Order made granting the application. Spur to be constructed by the 19th August, 1913.

4213. Application of the Canadian Pacific Railway Co., under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to the city of Kamloops in the Province of British Columbia.

Order made granting the application. Spur to be constructed by the 19th August, 1913.

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4214. Application of the C.P.R. Co., under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to Hastings Park, in the Province of British Columbia, for the Vancouver Exhibition Association. File No. 22369.

Order made directing the C.P.R. Co., to construct spur within three months from the 19th May, 1913. See order 19594.

4215. Complaint of W. N. Minthorne against the Canadian Pacific Ry. Co. regarding storage charges. File 22306.

Application refused.

4216. Application of the V. V. & E. R. & T. Co., under section 238 of the Railway Act for approval of the times, method, and manner of construction of bridges over the following streets in the city of Vancouver, namely, Eighth avenue, Broadway, formerly Ninth avenue, Victoria Drive, Clark Drive, Woodland Drive, Nanaimo street, Lakewood Drive, Garden Drive, Templeton Drive, Twelfth avenue, Semlin Drive, McLean Drive, Sixth avenue.

Order made granting the application subject to conditions set out in memo. of agreement dated April 17, 1913; detail plans of the bridge to be filed with the board for the approval of its engineer.

4217. Application of the V.V. & E.R. & T. Co., under sections 237 and 238 of the Railway Act, for an order permanently diverting those portions of George street and Burns street shown coloured green on the plans annexed to the agreement, by opening up the streets coloured red on the same plan.

Order made granting the application subject to the terms of the agreement between the applicant company and the city of Vancouver, dated April 7, 1913.

4218. Petition of the residents of Abbotsford, B.C., asking that Hazel street be opened up across the tracks of the Canadian Pacific Ry. and British Columbia Electric Ry. in order to relieve the congestion of traffic at Essendene avenue, in Abbotsford, B.C. File 17618.

Stands pending result of correspondence with the provincial authorities.

4219. Petition for an order regarding the removal of two railway gates and crossing by the Canadian Pacific Ry. Co., at a point 1,200 feet west of Agassiz station grounds. File No. 22441.

Petition refused.

4220. Application of Arthur C. Ray for authority to erect a bridge across the Canadian Pacific Railway right of way to connect lots 13, 14 and 15, block 1, district lot 184, Vancouver.

Stands until Harbour Commissioners are appointed.

4221. Application of the V.V. & E.R. & T. Co., for an order under section 222 of the Railway Act, permitting them to construct three industrial tracks from a point on their main line in block 82, district lot 264 A, in the city of Vancouver, westwardly to and connecting with the railway company's existing lines, opposite block 3, in district lot 200 A, in the city of Vancouver.

Order made on consent granting the application. Upon proper plan being filed showing in red the tracks to be laid and engineer's report approving same order to go approving plan.

4222. Complaint of E. M. Cottrel against the C.P.R. Company regarding discrimination in cartage charges. File 18663-66.

Company to file an answer in writing and send a copy to the complainant within ten days.

4223. Complaint of Dr. Underhill *re* disinfecting of railway coaches. Case 4502.

Complainant to file particulars of suggestions made and to furnish the railway companies with copies.

4224. Application of the British Columbia Fruit Growers' Association, asking that reductions in express rates be made effective from June 10, 1913, on fruit. File 4214. Case 1503.

Order made approving the new tariff when filed.

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4225. Application of the Toronto Board of Trade of Toronto, Ont., under section 321, for reduction of the freight classification ratings on dried fruit. File 19367-8. Order made refusing the application.

4226. Application of Fruit Growers' Association of Ontario *re* concentration of storage points and reshipments of fruit.

NOTE.—Railway companies may speak to the question whether it was within the jurisdiction of the board to give the direction contained in clause 2 of order No. 18825. (Adjourned hearing.)

See judgment of Assistant Chief Commissioner, dated July 29, 1913, concurred in by Commissioner Mills, expressing the opinion of the board that an order should go permitting the railway companies to appeal to the Supreme Court, if they so desire, on the question as to whether the board had jurisdiction to deal with the matter as set out in paragraph 2 of order No. 18825.

4227. Application of the Ontario & Manitoba Flour Mills, Ltd., of Ottawa, for the privilege of milling western all-rail grain in transit at Sudbury, and reshipping the products to Eastern Canada points not already covered by milling in transit tariffs published and filed. File 21800.

Order made to C.P.R. Co., extending to the Ontario and Manitoba Flour Mills, Ltd., the privilege of milling all-rail grain at Sudbury, Ont., in transit from Port Arthur and Fort William and points west thereof at the through rate to all points east of Sudbury and the Detroit and St. Clair rivers, reached by millers west of Fort William under milling-in-transit arrangements, said arrangement to come into force not later than January 12, 1914. See order 21028.

4228. The Canadian Freight Association will be required to justify the regulation of the railway companies or some of them that their agents must not deliver part of a consignment if any one or more articles or packages may have been short received, without first obtaining from the consignee a receipt for the entire consignment covered by the bill of lading. File 21864.

No order made.

4229. Railway companies subject to the jurisdiction of the board will be required to show cause why paragraph 4 of section 4 of the prescribed bill of lading (order No. 7562) should not be made reciprocal, so as similarly to limit the time within which expense accounts for undercharges and the like may be presented by the railway companies to shippers or consignees for payment. File 21932.

No order made.

4230. Consideration of the question of such standardizing of charges made by railway companies for station storage of passengers' baggage that the tariff shall be uniform on all lines subject to the jurisdiction of the board.

NOTE.—Copies of complaint of H. H. McKeen, Lennard, Man., dated March 9, 1913, are attached hereto. File 21729.

No order made.

4231. Application of the town of Bowmanville, Ont., under section 237, for an order directing the C.L.O. & W. Co. to carry highways known as High, Elgin and Prospect streets over the said company's railway where same intersects said streets, by means of a suitable bridge. File 3701-178.

Order made as to Elgin and Prospect streets. The question of High street reserved for the next Toronto sittings of the board.

4232. Application of the G.T.R., under sections 222 and 237, for authority to construct branch line and spur therefrom commencing on Chaudière branch west of Division street, Ottawa, extending westerly across Rochester street at grade, and Mark street (unopened) into premises of J. G. Butterworth. File 22066.

Order made granting the application.

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4233. Application G.T.R., under section 222, for authority to construct a siding connecting the 32nd district with the 12th district of its railway at Scotia Junction, said branch being from a point on lot 18, concession 8, township of Perry, Ontario, thence extending across lot 17, concession 8, to a connection with the northern division of the G.T.R. on lot 16, concession 8, township of Perry.

Order made granting the application.

4234. Application of the G.T.R., under sections 222 and 237, for authority to construct a siding from a point on the 15th district of its railway, Stratford Division, north of Dundas street, London, Ont., thence extending across lots 24, 23 and 22 west of Nightingale ave., across Nightingale ave., and lot 3, east of Nightingale ave., to and into the premises of the McCormick Mfg. Co., Ltd., on lot 9, concession 1, township of London, Ontario (now in the city of London, Ont.) File 21906.

Order made granting the application.

4235. Application of the city of Lethbridge, Alta., under section 237, for authority to construct highway across the right of way of the C.P.R., by extending 21st south across said railway to First avenue north, Lethbridge, Alta. File 18918.

Order made granting the application. See order 19491.

4236. Complaint of United Farmers, of Alberta, and J. J. Mogridge, Hanna, Alta., relative to alleged damage to pastures, etc., on account of lack of proper fire guards on the line of the C.N.R. in the vicinity of Strathmore, Alta., and Hanna, Alta. File 4741-D-8-7.

No order made as work will be completed by June 10, 1913.

4237. Application of the G.T.P.B.L. Co., under section 237 for authority to construct its Tofteld-Calgary branch across certain streets in sections 12, 13 and 14, township 24, range 1, west 5th meridian in the city of Calgary, Alta., mile 199.1 to 200.5. File 10821-83.

Order made granting the application subject to the terms of the by-law and agreement entered into with the city of Calgary. See order 20054.

4238. Application C.P.R. under section 29 for an order rescinding or varying order of the board No. 18771 so as to provide that the rates established under said such order shall be reasonable and non-discriminatory as between localities and shippers. (Re-hearing.) File 16177, part 2.

Case withdrawn.

4239. Application of the Canadian Manufacturers' Association and the Hamilton Board of Trade for an extension of the Canadian Car Service Rules so as to include what is known as the "average demurrage" plan. File 3775-3.

Judgment reserved.

4240. Application of the Canadian Freight Association for a ruling of the board as to the proper allowance to be made from track scale weights, on various commodities. File 8799-1.

Judgment reserved.

4241. Application of the Saskatchewan Land and Homesteading Co., under section 226, for an order directing the Calgary and Edmonton Ry. Co., to construct a branch line into the lands of the applicant company, being in section 21-39-27 W. 2 M. File 21219.

Board directed that the original order issued herein stand postponed until 15th July, 1913.

4242. Application of the city of Calgary for extensions to free express delivery limits in Calgary. File No. 4214-126.

Application refused.

4243. Petition of the residents and business men of East Calgary regarding removal of McHarg station by the C.P.R. Co. File 21814.

Railway Company directed to file an affidavit of reductions and the board's inspector to go over the books of the company.

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4244. *Re* order No. 19075, giving authority to construct, maintain and operate a branch line of railway for the Northern Electric and Manufacturing Company, Ltd., city of Calgary. Application to stay execution of order under some arrangement arrived at between the property owners. File No. 21141.

No action taken.

4245. Application of S. J. Blair to stay execution of order No. 19075, dated 16th April, 1913, authorizing the C.P.R. Co. to construct a branch line for the Northern Electric Manufacturing Co., Ltd. File 21141.

C.P.R. undertook not to go on to the applicant's lands until some arrangement has been made.

4246. Application of the Board of Trade of Morinville, Alta., for a transfer track connecting the Edmonton, Dunvegan and British Columbia Railway with the Canadian Northern Railway, at Morinville, Alta. File 6713-40.

Application withdrawn.

4247. Application of the Massey-Harris Co., Ltd., Edmonton City Dairy, Ltd., McKnight and Frost; the Standard Plumbing and Heating Co., Ltd., and Andrew Lee, of Edmonton, Alta., under section 226, for an order directing either the C.N.R. Co. or the G.T.P. Co., to provide and construct a suitable spur track from their main line in the city of Edmonton, Alta., down and along the lane in block 6, Hudson's Bay Reserve, Edmonton, as far as Athabasca avenue. File 22140.

Order to issue in the terms of an agreement dated April 24, 1912, entered into by the Canadian Northern and Grand Trunk Pacific Railway Companies.

4248. Application of the C.N.R. under sections 222 and 227 and 237, for authority to construct a spur line of railway along the lane in block 6, Hudson's Bay Reserve, between Sixth and Seventh street, in the city of Edmonton, Alta., and to cross Columbia avenue, Vermilion avenue and the Edmonton Street Railway, with said spur. File 20918.

Order made authorizing the Canadian Northern Railway Co., to construct the spur in question. See order No. 20069.

4249. Application of the Edmonton Board of Trade, Edmonton, Alta., under sections 314 and 339 for an order directing the C.P.R., C.N.R. and G.T.P., to immediately issue and put into effect new freight tariffs on classes one to ten inclusive on goods shipped from Port Arthur and Fort William, Ont., to Edmonton, Alta.

NOTE.—This matter is set down to allow Edmonton Board of Trade to submit such new evidence as desired. File 14384.

Stands to be taken up with the Western Rates Case.

4250. Complaint, V. F. Neis, Lamerton, Alta., *re* alleged injustice of Grand Trunk Pacific for accepting free grant for siding and failing to supply station and start townsite at that point. File 19058.

No order made; company offered settlement.

4251. Application, Edmonton Board of Trade, Edmonton, Alta., for an order directing the C.P.R. to make a 45 cent rate from Coutts to Edmonton, Alta., on apples coming from the United States. File 22208.

Application withdrawn.

4252. Complaint of Edmonton Board of Trade, Edmonton, Alta., on behalf of sand and gravel users that the G.T.P. Ry. are overcharging in weights and that there are no adequate facilities for weighing; also *re* rates from Clover Bar.

Order made that the Grand Trunk Pacific Railway adjust the freight charges on sand received at Edmonton over the company's line since June 21, 1912, to the basis of 2,600 pounds per cubic yard, and that freight charges be collected on this basis until the company's track scale is drained and corrected, or removed and reinstalled not later in either case than 1st November, 1913. See order No. 19738.

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4253. Application of R. V. MacCosham, for an order directing the C.N.R. to construct a spur. File No. 22372.

Order to go in the usual terms.

4254. Application of the city of Edmonton for leave to cross at level with the line of the municipally-owned electric railway the G.T.P. Co's. tracks where the same intersects 27th street between Armstrong and Cochrane avenues, city of Edmonton. File 20921.

Order made granting the application; crossing to be protected by half interlocking plant, cost of providing and maintaining the plant to be borne and paid, one-half by the applicant and one-half by the C.P.R. Co. See order 20793.

4255. Application of property owners in city of Calgary complaining that the railway company has torn down a bridge which was erected to provide access across the irrigation canal to the work shops so that workmen and others residing adjacent thereto would have a reasonable way of returning to and from their work. File 22373.

Application refused, the board holding that it had no jurisdiction.

4256. Complaint of rural municipality of Chester regarding incomplete accommodation of the C.N.R. crossings at main road leading to the village of Glenavon. File 524-1.

Order made directing the C.N.R. Co. to divert the east and west road allowance. The diverted portion to be made 66 feet in width. The municipality to grade road allowance immediately north of mileage 151. Work to be commenced at once and completed by the 31st July, 1913.

4257. Application of city of Edmonton for an order under section 237 of the Railway Act to carry Peace avenue over the line of the Edmonton, Yukon and Pacific Railway Co., by means of a level crossing. File 22443.

Order made granting the application. Applicant to file three copies of the plan showing the work to be done by the board.

4258. Application of the C.N.R. Co., for an order sanctioning the construction and operation of a branch line or "Y" through the southeast quarter of section 28, township 55, range 25, west 4th meridian.

Order made granting the application.

4259. Application city of Edmonton for leave to construct a highway crossing across the line of the C.N.R. at Shant street. File 22148.

Order made granting the application.

4260. Petition of residents and council of the town of Yorkton, Sask., for a subway under the tracks of the C.P.R. on line of Third avenue, Yorkton, Sask. File 21430.

Board directs that a day and night watchman be put on the crossing. One-half of his wages to be paid by the railway company and one-half by the town. Board's engineer to visit locus and report to the board. In the meantime no order to issue.

4261. Complaint of James Carr, Lakeview Farm, Viceroy, Sask., against the alleged action of the C.P.R. Co., employees in setting fire in the vicinity of southeast quarter-section 16-6-26, west 2nd meridian, Sask. File 1471-D-11.

No action taken.

4262. Application of the Dominion Express Company, for approval of free delivery limits proposed for Swift Current, Sask. File 4214-310.

Matter to stand until the applicant furnishes a copy of his representations in writing to the board, and to the express company.

4263. Consideration of the matter of protection at first crossing east of station building, Government road allowance, at Herbert, Sask., on the Swift Current subdivision of the C.P.R. File 9437-978.

Order made correcting errors in previous order.

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4264. Application of C.P.R. for an order relieving the company from maintaining a watchman at crossing west of station building at Grenfell, Sask., known as Anderson street crossing, ordered by order of the board No. 18705, dated February 14, 1913. File 9437-979.

Order made amending order No. 18705, by providing that the cost of the maintenance of the watchman employed at the said crossing, be divided equally between the municipality and the railway company. See order 20018.

4265. Complaint of the rural municipality of Wellington No. 97, regarding the road diversion on northeast 8-10-13-2. File No. 10791-23.

Order made directing the G.T.P. Co. to open the crossing in question and to divert the highway between section 879. Order No. 15205 rescinded. See order 19976.

4266. Application of the village of Maryfield against the C.N.R. Co., and the C. P.R. Co., regarding drainage. File No. 22406.

Order made directing the railway companies to deepen the culverts under their tracks three feet as well as the ditches across their respective rights of way, the complainants, the C.N.R. and C.P.R. Companies, if called upon, to bear and pay one-third of the cost of lowering the culvert on the C.P.R. company's right-of-way. See order 19545.

4267. Application of the Board of Trade of Rosetown, Sask., for an order directing the construction of a transfer track between the line of the Canadian Pacific Railway Co., and the line of the C.N.R. Co. at Rosetown, Sask. File 6713-39.

Application for transfer track refused. Application to be considered as made by the Flax Decorticating Company for a spur under section 227. Board's engineer to prepare a plan showing where spur is to be placed and to submit same to the town and C.N.R.

4268. Application of the Board of Trade of Bladworth, Sask., for an order requiring the C.N.R. Company to make a properly graded road across their tracks at Third street, Bladworth, Sask. File No. 9437-1016.

Order made directing the C.N.R. Co., to move the crossing lying to the south of the south switch to a point 60 feet from the said south switch and grade a road from the said crossing to the loading platform. See order 19713.

4269. Application of Fred W. Green of Moosejaw, Sask., for an order directing the G.T.P. Ry. Co., to construct a cattle pass on his property section 8-17-27, Saskatchewan. File 16305-13.

Order made directing the railway company at its own expense, to construct a cattle pass. See order 19498.

4270. Application of the Dominion Townlots, Ltd., for a street crossing at Broadway over the line of the C.P.R., near the present farm crossing N. $\frac{1}{2}$ 17 and 19, west 2nd meridian, Sask. File 22207.

Application refused.

4271. Application of the city of Regina for authority to cross with its municipal street railway and Bulyea and Colonsay branch of the C.P.R. at the intersection of 4th avenue, immediately south of blocks 11 and 12, Eastview, Regina. File 22239.

Order made granting the application, crossing to be protected by half interlocking plant, providing, maintaining and operation to be borne one-half by the applicant and one-half by the C.P.R. See order 20612.

4272. Application of city of Regina for authority to cross with its municipal street railway the commercial spur of the C.P.R. where it crosses Winnipeg street at the intersection of Winnipeg street and Eighth avenue, Regina. File 22241.

Order made granting the application, subject to the condition that the cars of the applicant be brought to a full stop before passing the crossing. See order 19494.

4273. Application of city of Regina for authority to cross with its municipal street railway the Arcola branch of the C.P.R. over which the C.N.R. appears to have running rights, and also commercial spur of the C.P.R. to serve the Armour abattoir,

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all of which tracks cross Winnipeg street located between 9th and 10th avenues. File 22242.

Order made granting the application. Half interlocker to be installed with liberty to the C.P.R. Co. to put in an extra track if the company has the right to do so.

4274. Application of the city of Regina for authority to cross with its municipal street railway a commercial spur of the C.P.R. at rail level on north Railway street or Dewdney avenue, where said spur crosses said street in a westerly direction. File 22244.

Order made granting the application, subject to the condition that the cars of the applicant be brought to a full stop before passing over the crossing. See order 19495.

4275. Application of city of Regina for authority to cross with its municipal street railway the commercial spur of the C.P.R. at rail level on Dewdney street immediately west of Broad street. File 22245.

Order made granting the application, subject to the condition that the cars of the applicant be brought to a full stop before passing over the crossing. See order 19502.

4276. Application of city of Regina for authority to cross with its municipal street railway the railway of the C.N.R. Co., at rail level on Fourth avenue between McIntyre and Lorne streets, where it will be necessary to cross two commercial spurs of the company and the main line of the company running north and west, being the Regina-Saskatoon line of the company. File 22240.

Order made granting the application, subject to the condition set forth on the order, providing for the protection of the crossing by a half interlocking plant. See order 19506.

4277. Application of the city of Regina for authority to cross with its municipal street railway the railway of the C.N.R. Co. at rail level on Albert street north, where the company's line of railway intersects Albert street between Chicago and Washington avenues, by rail and half interlocking plant. File 22246.

Order made granting the application, providing for the protection of the crossing by a half interlocking plant. See order No. 19508.

4278. Application of the city of Regina for authority to cross with its municipal street railway the railway of the G.T.P.B.L. Co. at rail level at the intersection of Thirteenth avenue where the company's railway crosses said avenue between Ross and Allen streets by rail and a half interlocking plant, and for an order permitting the city in the future to double track its said railway at said crossing, and that an order directing the company to furnish and maintain at its expense the necessary diamond. File 22243.

Order made granting the application, providing for the protection of the crossing by a half interlocking plant. See order No. 19510.

4279. Application of the city of Regina for authority to cross with its municipal street railway the railway of the G.T.P.B.L. Co. at rail level with the intersection of Fifth avenue where the company's railway crosses said avenue between Ross and Parliament streets by rail and a half-interlocking plant, and for an order directing the company to furnish and maintain at its expense the necessary diamond. File 22247.

Order made granting the application, providing for the protection of the crossing by a half-interlocking plant. See order 19509.

4280. Application of the city of Regina for authority to cross with its municipal street railway the railway of the G.T.P.B.L. Co. at rail level at the intersection of Elphinstone street immediately north of Sixteenth avenue by rail and a half-interlocking plant, and for an order directing the company to furnish and maintain at its expense the necessary diamond. File 22248.

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Order made granting the application, providing for the protection of the crossing by a half-interlocking plant. See order No. 19507.

4281. Application of the Board of Trade of Elbow, Sask., for an Order directing the C.N.R. Co. to construct a siding at or near 35-24-5-3.

Particulars of the location of siding to be filed with the board. If anything has been filed by C.N.R. or done re location at Elbow, Sask., Board of Trade to be served with a copy of the application before an order is made.

4282. Application of the Saskatchewan Gravel and Supply Co., for an order directing the C.N.R. to construct a spur. File No. 22371.

Order made granting the application.

4283. Application of J. A. Purcell against the Grand Trunk Pacific Ry. Co. urging discrimination in bus service at Saskatoon and for refund of G.T.P. tickets honoured by him. File 17963.

Order made dismissing the application. See order 20805.

4284. Application of the Helendale Gravel Co., Ltd., to compel the C.N.R. to construct a spur to a point on or near the road allowance at section 30, township 19, range 23, west 2, to a point on the north half of section 19, township 19, range 23, W. 2. File 22370-2.

Judgment reserved; parties to endeavour to reach a settlement between themselves.

4285. Application of the D'Arcy Board of Trade, Saskatchewan, with regard to placing an agent at that point. File 22412.

Order made directing the C.N.R. to place an agent at D'Arcy on or before August 1, 1913.

4286. Application of G.T.P. for an order approving of highway crossing and closing of certain streets and lanes in the town of Moosejaw. File 10863-60.

Order to issue granting the application upon consent of the city being filed.

4287. Application of Wm. Alexander, Silverwood, Saskatoon, to construct spur track across the northeast quarter of section 15, and the northwest quarter of section 14, township 37, range 5, west of the third meridian, municipality of Cory, Saskatchewan, C.N.R. Co. File 22370.

Order made authorizing the company to construct the spur upon the consent of the municipality being filed.

4288. Application of the C.N.R. Co. on behalf of the National Paving Co. and the Bithulithic Construction Co. to construct an industrial spur. File 22334.

Order made granting leave to the company to construct the spur upon the consent of the municipality being filed.

4289. Application of the Tuxedo Park Co., Ltd., the Canada Cement Co., Ltd., and South Winnipeg, Limited, under sections 176 and 317 for an order directing the G.T.P. Ry. to receive, forward and deliver upon and from the existing spur now serving the property of the applicants situate in lots 60, 61, 62 and 63, in the parish of St. Charles, Man., upon such terms and conditions as the board may decide fair and equitable. File 15772.

No order made.

4290. Application of the Winnipeg Supply and Fuel Co., Ltd., to have their C.N.R. spur located on a portion of river lot No. 27, of the parish of St. Boniface, Winnipeg, Man., included in the joint terminals.

Application withdrawn.

4291. Application C.P.R., under section 237, for authority to construct an additional track across Rue Plinguet, St. Boniface, Man., on its Winnipeg to Emerson branch, Manitoba division. File 21822.

Order made directing that the crossing be protected by a watchman between the hours of 7 a.m. and 7 p.m. See order 19638.

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4292. Application C.P.R., under section 237, for authority to construct an additional track across Marion street, in city of St. Boniface, Manitoba division. File 21823.

Order made granting the application. See order No. 22332.

4293. Consideration of the matter of yard limit boards in connection with railway companies subject to the board's jurisdiction.

NOTE.—This matter is set down to give the western officials or railway companies an opportunity of presenting their views. File 4135-21. (1 and 2.)

Order made that the C.P.R. Co. withdraw its special rule "F" applying to western lines, and hereafter observe the uniform rules of the Board regarding yard limits. See general order No. 108.

4294. Application of the Northern Supply Company, of Winnipeg, Man., for an order requiring the G.T.P. to establish the same rate on sand and gravel from Vivian to Winnipeg as charged by the C.P.R. and C.N.R. Companies for similar distances to Winnipeg. File 22008.

Application dismissed.

4295. Application of the Express Traffic Association of Canada on behalf of the express companies represented at Portage La Prairie, Man., for approval of delivery limits. File 4214-105.

Express company undertook to arrange for delivery to nurseries for the year around and to exhibition grounds. Parties to furnish board with a description of limits within which deliveries mentioned are to be made.

4296. Application of the members of the Canadian Manufacturers' Association, *re* express delivery limits in the city of Winnipeg.

Parties are to endeavour to arrange a settlement as to the delivery limits complained of.

4297. Application of the C.P.R. Co. for order authorizing it to construct temporary track on its Bergen northeasterly branch across the east Kildonan road, and also across the tracks of the Winnipeg Street Railway Co., already constructed along said road where it crosses lot 58, of the parish of Kildonan, Man. File 20444-3.

No order necessary.

4298. Application of the C.P.R. Co. for an order authorizing it to construct its new trackage in railway yard, North Transcona, across the city of Winnipeg's transmission line in lot 58, Kildonan, Man. File 1487-6.

Order made granting the application. See order 19595.

4299. Application of the C.P.R. Co. for authority to construct the tracks of its Bergen northeasterly branch across the highway known as the west Kildonan road, and also across the tracks of the Winnipeg, Selkirk, and Lake Winnipeg Railway Co., Kildonan, Man. File 20444-1.

Order made directing the C.P.R. Co. to construct on behalf of the municipality, subways at Scotia, Parkside, Main streets, and East Kildonan road, in province of Manitoba, subject to the terms and conditions of agreement dated 29th May, 1913, applicant company to bear and pay the cost of constructing the said subways and of moving the tracks of the Winnipeg, Selkirk and Lake Winnipeg Railway. See order 20030.

4300. Application of the municipality of Fort Garry in connection with the matter of subways occasioned by the C.N.R. cut-off, Winnipeg, Man. File 20311.

No order made.

4301. Application of the municipality of Fort Garry for a subway at Pembina highway. File 20311.

No order made.

4302. Application of the municipality of Fort Garry *re* C.N.R. culvert at Winchester avenue. File 22407.

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Order made directing the C.N.R. Co. to construct a culvert under its tracks on Winchester Ave., Fort Garry, company not to charge the applicant more than \$10 for the work. See order 19544.

4303. Application of the rural municipality of Fort Garry re G.T.P. Ry., *subseq.* File 21216.

Application dismissed.

4304. *Re* station at Franklin, Man., on the line of the C.P.R. Co. File 19205.

Order made directing the railway company to move its station off the road allowance to a point 300 feet west thereof, and to construct a suitable crossing. All work to be completed by August 16, 1913.

4305. *Re* extension of C.P.R. hotel and station, Winnipeg. File 22280.

No order made.

4306. Application of the residents of Niverville, for passenger accommodation on the Canadian Pacific See Flyer. File 20776.

Application refused.

4307. Application of Frank Yestran for a station at Dyfresne, Man., on the C.N.R. File 20998.

C.N.R. to erect a station and platform. The plans to be submitted to the board for approval.

4308. Application of the Builders' Supply Company, Winnipeg, regarding use of Birds Hill Sand Company's siding. File 20741.

Order made granting the application. See order 19501.

4309. Application of the C.P.R. Co. for an order approving the clearance of the tracks of its coaling plant in North Strathcona yards, Manitoba. File 21091.

Order made granting the application. See order 19592.

4310. Application of the Board of Grain Commissioners for an order compelling the C.N.R. to allow the C.P.R. to build into the Government Elevator at Port Arthur over the C.N.R. property. File 21826.

Order made amending order No. 19936, to provide that the said connection be made at the point shown on the C.N.R. Co.'s plans filed with the board, providing the C.N.R. Co. extends its transfer track to the proposed connection with the C.P.R. See order No. 20221.

4311. Application of the Winnipeg Sandstone and Brick Co., Ltd., for an order directing the C.N.R. Co. to construct a spur crossing Pembina street from the C.N.R. siding on the east side of the railway work shops to the Winnipeg Sandstone and Brick Company's manufacturing plant on the opposite side of Pembina street. File 24434.

4312. Application of the Lake Winnipeg Shipping Company, Ltd., for an order directing the construction of a spur from the present line of railway of the C.N.R. to run along the most southerly boundary of the northeast section 1, township 15, and other points. File 22570-3.

Order made directing the construction of the spur upon the consent of the municipality being filed.

4313. Application of H. V. Hudson, on behalf of W. A. Taylor, for an order permitting the C.N.R. to move its siding from the C.N.R. Company's line of railway serving lots 23 and 43, part of block 1, D.G. 1, parish of St. John. File 18578.

Order made authorizing the C.N.R. Co. to provide the spur in question. See order 19496.

4314. Application T.H. & B. Ry Co., under sections 221, 223 and 222, for authority to construct two spurs in the city of Hamilton, Ont., from a point on northerly limit of G.T.R. right of way, thence through lands of the Steel Company of Canada, Ltd., and crossing Hamilton Radial Electric Ry. and highway known as Burlington to and into lands of Steel Company of Canada, Ltd.; (2) for an order under sections 225 and 227 authorizing the applicant to cross at grade the said Burlington street; (3) for

an order under section 227 for authority to cross at grade the railway of the Hamilton Electric Railway Company. File 22050.

Application granted.

4315. Application Hamilton Street Railway Company, under section 227, for permission to cross at rail level the spur tracks belonging to the Steel Company of Canada, on the base line between the Broken Front concession and first concession, township of Barton, now located in the City of Hamilton, Ont. File 22032.

Application granted.

4316. Application of the Hamilton Street Railway Company, under section 227, for permission to cross at grade the tracks of the T.H. & B. Ry. at the intersection of Main street and Trolley street, Hamilton, Ont. File 22032-1.

Application granted, full interlocker to be installed.

4317. Application of the Hamilton Street Railway Company, under section 227, for permission to cross at rail level the switch track belonging to the T.H. & B. Ry. and used by them for serving the Grasselli Chemical Co. and National Steel Car Company at its crossing of Burlington (Gilkinson) street, a short distance east of Ottawa street, Hamilton, Ont. File 22032-2.

Application granted contingent on the report of the board's engineer.

4318. Application, G.T.R. under section 167, for approval of plan, profile and book of reference showing revised location of connecting track from their line of railway to the line of the T. H. & B. Ry. in connection with the layout of tracks serving the Steel Company of Canada at Hamilton, Ont. File 22060.

Application granted.

4319. Application of C.N.D. Ry. under sections 227 and 176, for authority to construct its lines and tracks across the lines and tracks of the G.T.R. and to take possession of, use and occupy lands belonging to the said G.T.R. Co. sufficient to accommodate double track railway line near Burlington, Ont. File 12021-69.

Stands until other party brings it up again.

4320. Application of D. L. McCarthy, of Toronto, relative to cost and location of street railway, electric light and telephone wires along grade separation North Toronto, Ont. File 12021-125.

Order made directing that all wires at Yonge street and Avenue road, North Toronto, be placed under ground except the long distance wires of the Bell Telephone Co., each company to bear and pay the cost of moving its wires on the said streets. See order 19004.

4321. Application of C.P.R. under section 227, for authority to construct its Forsyth Street branch across the tracks of the C.N.Q. Ry. in the east half of lot Cadastral No. 8, parish of Longue Pointe, Montreal, Que., at mileage 1-88, of said branch and to rearrange the sidings of the latter company. File 17716-5.

Stands to be taken up upon the request of either party.

4322. Application of the C.P.R. under section 258, for approval of change in location of stations at Farm Point, from mileage 16-05 to mileage 16-36, in lots 240, range 16, township of Hull, Que., on Maniwaki subdivision, Eastern Division. File 192132.

Order made authorizing the change in the location of the applicant company's station at Farm Point. See order 19728.

4323. Complaint of Geo. Baker, Arrapier, Ont., against damage caused by overflow of water on his plant on account of culvert under C.P.R. being too small. File 21756.

C.P.R. Company to submit a plan in ten days for a new and enlarged culvert.

4324. Application of the town of Renfrew, Ont., under section 237, for an order directing the C.P.R. to provide and construct a suitable crossing where the company's railway crosses and intersects Hall street in the town of Renfrew, Ont. File 21980.

Order made granting the application.

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4315. Complaint of John Scissons, South March, Ont., relative to refusal of C.N. O. Ry. to provide a cattle pass in his property on lot 11, concession 8, Township of March, Ontario. File 4561-117.

No order necessary. Permission is given to Mr. Scissons to deposit the subject to the extent of 6 inches at his own expense and under the supervision of the company's officer.

4326. Application of C.N.R. for approval of plans showing proposed farm crossing at E. Coal, lot 5, concession 6, township of Norman, Ont. File 4578-530.

Order made directing the applicant company to construct a farm crossing at capital cost. See order 19681.

4327. Application of the C.P.R. under section 237, for authority to convert four main tracks across May and Ridgeway streets in city of Port William, Ont., the portion of said streets affected by the said crossing of tracks to be closed and repaired by street diversion on the northwestern side of said tracks, but without crossing street 115, 20689.

Intersecting Council Board to visit the lines.

4328. Consideration of the question of proposed alterations and improvements application in Canada. File 47301.

No action taken, no case appearing.

4329. Application of the Canadian Landry Association, for a right of way over the land as to the project allowing to be made from land 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 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4336. Questions having arisen as to the interpretation and application of the so-called "lounching" rule No. 7, of the Canadian Car Service rules, railway companies, subject to the board's preferential, through the manager of the Canadian Car Service Bureau, as otherwise, will be confined to auto photographs, if any, they have to the satisfaction of the board "when arising to conditions for which the consignee is not responsible" for the whole of rule 7, from the beginning down to but not including the words "cars are tendered, etc." File 1790 B, part 3.

No order made; see judgment of Commissioner Melan, dated 11th February, 1914. Appendix "C."

4337. Application of the T. H. & B. Ry. Co., under sections 46, 151 and 150, for authority to construct and maintain a stand pipe between its main tracks of railway on Hunter street, in the city of Hamilton, immediately west of John street. File 22313.

Application refused.

4337. Application of the N. St. C. & T. Ry. for approval of revised location between township of Niagara and village of Niagara on the Lake.

Note.—Board will consider the request of the M.C.R. for reconsideration of this matter. File 3498-20.

Protest withdrawn, and order to issue accordingly.

4338. Application of the Montreal and Southern Counties Ry. for approval of its local passenger tariff No. 3, covering fares between Montreal and Richelieu and intermediate stations. File 12256-1.

Stand; applicant company to furnish certain information in regard to the local rates in the province of Quebec.

4339. Application of the Canadian Freight Association, for approval of proposed Supp. No. 1, to Canadian Freight Classification No. 16. File 19367.

Order made consolidating, revising and amending supplement and supplementary known as proposed supplement No. 5 to become effective 1st March, 1915. See order No. 18495.

4340. Consideration of the objection of the Montreal Board of Trade to the additional ratings for Homogenized Milk, namely, L.C.L. 2, C.L. 4, included in proposed Supp. No. 1, to Canadian Freight Classification No. 16, submitted by the Canadian Freight Association for the board's approval. File 19367-7.

Judgment reserved. Mr. Walsh to furnish certain information asked for. See rates.

4341. Consideration of the objections of the Canadian Manufacturers Association, and the Montreal Board of Trade to the proposed increase in the ratings of dressed hogs from L.C.L. 3, C.L. 5, to L.C.L. 1, C.L. 4, as submitted by the Canadian Freight Association, for the board's approval in proposed Supp. No. 1 to Canadian Freight Classification No. 16. File 19367-7.

Dismissed, subject to renewal.

4342. Consideration of the proposition that by limiting the height of freight cars to 12 feet 6 inches from the top of rail to the running board, trainmen will be safeguarded, and grade separation facilitated, also of the proposals submitted by the Canadian Freight Association in conformity with the suggestion that this object would be promoted by basing the minimum weights of the Canadian Freight Classification for light and bulky articles on the cubical capacity of box cars, instead of their length, as at present. File 16932.

Judgment reserved.

4343. Consideration of the forms of live stock contracts submitted by railway companies subject to the jurisdiction of the board. (Adjourned hearing). File 16749-50.

Judgment reserved.

4344. Application of the township of Fitzroy, Ontario, for an order directing the G.T.R. to construct a crossing over their railway at side road between lots 5 and 6, concession 7, township of Fitzroy, Ontario.

Order made granting the application.

SESSIONAL PAPER No. 205

1343. Complaint of L. O. Chesapeake, Beaufort, Ont., relative to refusal of N. O. Ry. to provide a train crossing on its property on lot 2, concession 4, township of Westmore, Ont. File 3701-162.

1344. Application of H. T. McFaulstich, for an order directing the C.N.O. Ry. to provide easements on north half of lot 14, township B, and north half of lot 15, township D, township of Westmore, Ontario, over which lands the C.N.O. Ry. is constructing their road. File 3561-173.

Order made for 1894 pass.

1345. Application of H. D. Campbell, Winnipeg, Man., for an order requiring railway companies to load grain cars standing with a load of grain in four rows on each side of the car in order to show the depth of grain in the car. File 20070.

Application refused; see Judgment of Chief Commissioner, dated August 2, 1913, appended "12."

1346. Railway companies subject to the board's jurisdiction are required to allow women who travel continuing wearing apparel and personal effects, when securely packed should not be charged for carriage by freight service. File 8951.

Order made in accordance with judgment of Chief Commissioner.

1349. Consideration of the matter of amending order 16570 of May 22, 1912, as passed to release fire protection. File 4741, part 4.

Order made rescinding order No. 16570, dated 22nd May, 1912, and issuing new general order covering the question of fire protection. See general order No. 167.

1350. Complaint of John J. McCarthy, Ottawa, Ont., alleging the refusal of the C.N.R. to compensate him for extra land taken for their right of way on lots 9, 10 and 11, Ottawa Street, village of Richmond, Ont. File 3561-163.

No order made.

1351. Application, C.L.O. & W. Ry. for authority to operate crossing of G.T.R. at Whitley temporarily for construction purposes. File 3701-46.

Board directed usual order to go with limitation for six months.

1352. Application of the Fletcher Pulp and Lumber Co., Ltd., of Sherbrooke, for a reduction in the rate on export lumber from Sherbrooke to Montreal, Que., by the G.T.R. Co. File 22525.

Board decided that no order was necessary, the railway company undertaking to look into the question of moving the lumber already hauled; the board's operating officer to ascertain the quantity.

1353. Application, Board of Trade of city of Toronto, Ont., for an order requiring railway companies to provide a carload rating of 4th class on peanut butter. (Adjourned hearing.) File 19367-17.

Judgment reserved, Mr. MacInnes to furnish the board and Mr. Marshall with statement mentioned at the hearing.

1354. Application of L'Air Liquide Society, of Montreal, Que., for a rating on oxygen gas of L.C.L. 3rd class and C.L. 5th class. File 19367-16.

Order made that the carload rating of 4th class provided for in C.F.C. for hydrogen and carbonic acid gas be provided, also for oxygen and acetylene gas in carloads. That the application for a reduced less-than-carload rating of oxygen gas be refused. See order 20749.

1355. Determination as between the railway companies and the Harbour Commission of Montreal, of the responsibility for thefts from freight cars while on the rails of the Harbour Commission at Montreal, on the application of the Chamber of Commerce for the district of Montreal, and the Montreal Dairy Company. File 20500.

Judgment reserved.

1356. On complaint of C. E. Colson & Son, of Montreal, the G.T.R., C.P.R. and C.N.R. Companies will be required to justify the additional charges for "sorting" carload freight inwards, for various consignees; also the extra charge for making broken collections or deliveries of outwards and inwards freight respectively, as

announced in a circular of the Shelden Forwarding Co., Dominion Transport Co., and Canadian Northern Transfer Co., dated Montreal, April 1, 1912; also to explain the exclusion of the charges from their tariffs published and filed. File 1863/12.

Struck off the list.

4357. Railway companies which furnish cartage services will be required to show cause why, instead of cartage charges being collected on carted cartage freight upon the minimum weight provided in the freight classification, they should not be collected on the actual weight. File 21896.

Application withdrawn.

4358. Application of the Montreal Board of Trade for an order requiring the C.P.R. Co. to adjust its rates on sugar originating at Montreal, from Fort William to points west thereof so that the rates shall not be greater for distances over 850 miles than are charged for similar distances from Vancouver, B.C. File 21714.

Judgment reserved, matter to be dealt with the general inquiry into Western Rates.

4359. Application, Montreal Corn Exchange Association, for an order suspending clause in supplement No. 9 to C.R.C. No. E-2480 (C.P.R. tariff L. 2080) cancelling the arrangement providing that shipments of grain products, etc., in carloads may be consigned to Outremont, Que., for inspection or orders. File 22491.

Order made disallowing cancellation of the stop-over arrangement at Outremont, Que., in connection with shipments of grain and grain products from Western Canada, also suspending the cancellation of stopover arrangements at Toronto, West Toronto, and Montreal and Outremont in connection with shipments of grain and other products until otherwise ordered by the board. See order 19858.

4360. The C.P.R. Co., will be required to speak to the allegation of the Vigers-Shear Lumber Co., of Port Arthur, that they have been charged a toll of \$5 per car for switching lumber from their siding at Port Arthur to the interchange between the C.P.R. and C.N.R. at Port Arthur, on traffic destined for delivery on C.N.R. sidings at Westfort, the C.P.R. Co. having apparently failed lawfully to publish and file the said toll. File 21753.

Judgment reserved. Company's answer to be filed within a reasonable time.

4361. Complaint of Dartnell Ltd., of Montreal, Que., that the C.P.R. refuses them the allowance of twenty-four hours under rule 2 of the Car Service Rules, for designating the points at which they desire cars placed for unloading at Mile End, Que.

Board decided not to make any order, the company stating that a refund of \$4 would be made to the complainants, being the amount of the switching charge collected by the company.

4362. Application C.P.R. under section 178 for authority to expropriate certain lands being part of lots cadastral Nos. 111 and 112 of the village of Rigaud, county of Vaudreuil, Quebec, said lands being required for the purpose of constructing a "Y" track. File 21260.

Application to re-open this matter refused.

4363. Complaint of municipality of Melbourne and Brompton Gore, Quebec, relative to alleged dangerous crossing about three-quarters of a mile west of Kingsbury, on line of C.P.R., known as "Miller Crossing." File 9437-956.

Order made directing the installation of a bell at Miller Crossing by the 1st November, 1913; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance by the railway company. See order 20587.

4364. Complaint of Geo. H. Jones, Huntingdon, Que., relative to G.T.R. and N.Y.C. and H.R.R. (St. Lawrence and Adirondack Division) blocking his farm crossing. File 19009.

No order made so far as Mr. Jones is concerned, railway company having stated that they settled with him.

SESSIONAL PAPER No. 20c

4365. Complaint municipality of Melbourne and Brompton Gore, Que., relative to alleged dangerous condition of crossing about three miles east of Kingsbury, on the river road of this municipality between Melbourne and Windsor Mills, on the line of the C.P.R. File 9437-937.

Board ordered the railway company to install an electric bell at the crossing of the river road, about three miles east of Kingsbury, said bell to be installed by 31st October, 1913; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the balance by the railway company. See order 19837.

4366. Complaint of municipality of Melbourne and Brompton Gore, Quebec, relative to alleged dangerous condition of crossing on south shore of St. Francis river, between Melbourne and Brompton on the line of the C.P.R. File 14829.

Order made that the C.P.R. Co. repair the retaining wall and raise it 1 foot higher and erect a standard railing along the same; also widen the road to a width of 18 feet throughout; work to be completed by 1st November, 1913, and after completed, roadway to be maintained by the company for one year. See order 19838.

4367. Complaint of Geo. Shearer, Huntingdon, Que., that the G.T.R. and N.Y.C. and H.R.R. are blocking his farm crossing. File 20494.

See order made on file 19529.

4368. Complaint of Mr. Chas. Skirreff, Huntingdon, Que., relative to G.T.R. and N.Y.C. and H.R.R. blocking his farm crossing. File 19529.

Order made directing that sign boards be erected and maintained at the said crossings. Order to become effective by 2nd August, 1913, and company to be liable to a penalty of \$100 for each violation or failure to comply with the provisions of the said order. See order 19986.

4369. Application of C.N.O.R. Co. under section 237, for authority to construct across and divert the public road on lots 81 and 82, parish of Ste. Dorothee, Que., File 2342-100.

Order made refusing the application for a level crossing and directing applicant company to construct a subway 12 feet in height. Detailed plan to be submitted for the approval of the board's engineer. See order No. 20052.

4370. Application of C.N.O.R. Co., under section 258, for sanction and approval of the location of its station grounds at Isle Jesus, in the parish of Ste. Dorothee, county of Laval, mile 38-40 from Hawkesbury East. File 2342-108.

Judgment reserved. Board will endeavour to visit the locus.

4371. Complaint of Th. Chas. Casarini, Montreal, Que., relative to dangerous crossing at the tracks of the G.T.R. and C.P.R., on the road leading from Beaconsfield to Ste. Genevieve, Que. File 9437-901.

Order made that the C.P.R. Co. forthwith place a watchman on duty at said crossing from 8 a.m. to 7 p.m., until October 15, and thereafter from May 15 to October 15 in each year, two-thirds of the cost to be paid by the railway and a third by the municipality.

4372. Application of the residents of La Conception, Que., for an order directing the C.P.R. to install an agent at that point. File 20788.

Railway company to file a statement of earnings, freight, passenger and express, in and out, the statement to show the earnings at the time the agent was taken out, and what they are at the present time.

4373. Petition of the residents of St. Hyacinthe, Que., for an order directing the G.T.R. and C.P.R. to sell commutation tickets between St. Hyacinthe and Montreal, Que. File 21783.

No order made. Board held that this application was covered by its judgment in the Brompton case. See judgment of the Chief Commissioner, dated September 30, 1913. Appendix "C."

4374. Application of city of Maisonneuve, Que., and Shawinigan Water and Power Co., for an order varying the terms of Order No. 16298 authorizing the C.P.R.

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to construct a tunnel (and a railway through) the town of Montserrat, Que. File 12716, part 2.

Order made mandating order No. 10095, to provide that Chamberlain's patent be not used, and that the application with respect to the same to the said be refused. See order 11809.

1875. Complaint of E. W. Maton, et al. relating to danger to pedestrians crossing Victoria bridge from Point St. Charles to St. Lawrence by crossing of railway of G.T.R. to light same, also against the bell charged to cross this bridge. File 21678.

Condition of highway to be inspected, the holding of traffic to be referred to the board's electrical engineers; the company to submit an agreement if desired in writing, and send a copy to the commissioners. Also to furnish the board with a copy of the agreement mentioned.

1876. Application of the city of Lachine, Que., under section 283, for an order directing the G.T.R. to remove existing electric bell and install and maintain gates and appoint day and night watchmen for better protection at railway crossing at 2nd avenue, Lachine, Que. File 8448, case 3021.

Board decided not to make an order, company to keep the bell in order; referred to the board's inspector for report.

4377. Application of the city of Lachine, Que., under section 288 for an order directing the G.T.R. to remove existing electric bell and install and maintain gates and appoint day and night watchmen for better protection at railway crossing at Eighteenth avenue, city of Lachine, Que. File 9437-121.

Order made directing the Grand Trunk Railway Co. to install gates to be operated by day and night watchmen at 18th street in city of Lachine, work to be completed within three months from the approval of the plan, 20 per cent of the cost to be paid out of the Railway Grade Crossing Fund, 55 per cent by the railway company, 25 per cent by the applicant. Order No. 9616, dated 7th February, 1910, rescinded. See order No. 21711.

4378. Application, L.J.C. & M. Ry. Co., under section 178, for authority to expropriate certain lands from the Montreal Gas Co., said lands being required for the diversion of Harbour street in the city of Montreal, Que. File 14329-12.

Order made that the applicant company be authorized to take the said lands in the city of Montreal. See judgment of the Chief Commissioner, dated September 25, 1913. Appendix "C."

4379. Application, C.P.R. under section 178, for authority to expropriate certain lands belonging to the Franciscan Brothers, and being part of the unsubdivided portion of the lot cadastral No. 1637 of the cadastral St. Antoine ward, of the city of Montreal, Que., said lands being required in connection with the Windsor street terminals. File 19102-5.

Order made granting application. See order 19090.

4380. Complaint of Chas. Skelton, Montreal, Que., relative to C.N.R. proposed elevated tracks across the Haymarket square in the city of Montreal, Que. File 18588-30.

No action taken. Stands with other tunnel cases.

4381. Complaint of Mrs. C. Stoddard, 46 Overdale ave., Montreal, Que., with reference to the treatment she has received from the Bell Telephone Co., in connection with the installation of a Blake set in her house. File 3574-88.

No order necessary, as matter settled.

4382. Consideration of the matter of the conditions on the Quebec, Montreal and Southern Ry., Southern Division, between St. Hyacinthe and Iberville Junction. File 22488.

Case struck off the list.

SESSIONAL PAPER NO. 20-

4384. Complaint of the Milton Pressed Brick Co., of Milton, Ont., against the proposed increase by the G.T.R. and C.P.R. in the rate on brick from Milton to Toronto on August 1, 1913 from 3 cents to 4 cents per 100 pounds. File 22161.

Struck off the list.

4384. Complaint of the Rosedale Sawmill Co., of Toronto, Ont.

(a) Against the increase in the Canadian Northern Ontario's switching charges from their station to the C.N.O. Ry. interchanges with the C.P.R. and G.T.R. in Toronto terminals.

(b) Against the increased switching charges from the said interchanges to various points of delivery within the Toronto terminal.

(c) That the Grand Trunk and C.P.R. Companies refuse to place their cars on siding or cross-timber within the Toronto terminal.

(d) That in its notes for the haulage of logs to considerably rail the U.S.R. Co. discriminates against them, and in favour of the Holt Lumber Co.

(e) That the C.N.O. Ry. Co. disregarding its agreement with the complainant, refuses to reimburse it, plant the cost of their continuing work on their siding. File 22567.

Stands to be dealt with in connection with the general question of interprovincial.

4385. Complaint of J. G. Coon & Co., Toronto, Ont., against the increased charges of the C.N.O. Ry. and C.P.R. companies for switching cars from the Rosedale Sawmill Co.'s C.N.O. Ry. siding to the C.P.R. North Toronto yards. Supplementary to the complaint of the Rosedale Sawmill Co. File 22566.

Stands to be dealt with in connection with the general question of interprovincial.

4386. Complaint of R. J. Cousins, Enterprise, Ont., relative to cattle pass on C. L.O. & W. Ry. in the township of Camden, Ontario. File 3701-91.

Application withdrawn, company having settled with the complainant by \$350.

4387. Application of Joseph Calverly, Parry Sound, Ont., for an order directing the C.P.R., to construct a farm crossing at lot 12, concession A, township of McDougal, Ontario. File 21217.

Order to go upon consent being filed by Mr. Ireland.

4388. Petition of residents of the vicinity of Drayton, Ont., for an order directing the G.T.R. to furnish better accommodation at that point. File 21077.

Stands for consideration by the railway company. If betterments are not made, the case will be reinstated in the list.

4389. Application of J. D. Howdne, Whitby, Ont., under section 254, for an order directing the C.L.O. & W. Ry., to construct a suitable farm undercrossing on lot 24, concession 2, township of Whitby, Ontario. File 3701-311.

Order made that the railway company provide a suitable farm crossing by means of an undercrossing, 12 feet by 12 feet. See order 19912.

4390. Application of town of Bowmanville, Ont., under section 237, for an order directing the C.L.O. & W. Ry. to carry High street over the railway by means of a suitable bridge. File 3701-178.

Referred to the board's engineer for report.

4391. Complaint of municipality of Tecumseh, Ont., relative to condition of culvert on the line of the C.P.R. at Seventh Concession line, township of Tecumseh, Ontario. File 22378.

Order made directing the G.T.R. Co. to construct and maintain a culvert under the tracks in the said township of Tecumseh as shown on plan dated February 28, 1913, the cost of construction and maintenance to be borne by the C.P.R. Co., work to be completed by September 17, 1913. See order 19988.

4392. Application of R. J. Patterson, Onondaga, Ont., for an order directing the C.P.R. to provide a cattle pass where the railway crosses his land on lot 4, concession 10, township of Ops, Ontario. File 2100-103.

Order made directing the railway company to provide a suitable cattle pass 5 feet 6 inches in height, work to be completed by the 29th September, 1913. See order 19968.

3993. Application of R. H. Souch for an order directing the C.L.O. & W. Ry. Co. to construct a subway on his lots 3 and 4, concession 2, township of Darlington, Ontario. File 3701-302.

Order made refusing the application. See order 19948.

4394. Application of C.L.O. & W. under section 237, for authority to construct its tracks across Ontario street, Cobourg, Ont., by means of a grade crossing at mileage 120-20 from Glen Tay, Ont. File 3701-286.

Order made granting application. See order 19870.

4395. Application of C.L.O. & W. (1) under section 167 for an order approving of a revision of a portion of its line in lot 23, concession "A," township of Brighton; and (2) under section 176 for authority to take from the G.T.R. Co. the extra land required for right of way in the northwest half of lot 23, concession "A," township of Brighton, Ontario. File 3701-298.

Order made granting application. See order No. 19939.

4396. Consideration of the matter of protection at the crossing of the G.T.R. over Yonge street, 1-5 miles south of Aurora, Ont., at mileage 28-66. File 9437-207.

Order made directing that the side road be diverted into Yonge street as shown on the plan filed with the board, the railway company to provide the land necessary for such diversion, and deed it to the township; also directing that the railway company install by the 24th September an electric bell at the crossing at Yonge street and maintain same at its own expense, the cost of installation to be borne, 20 per cent out of Railway Grade Crossing Fund and the balance by the railway company. See order No. 19916.

4397. Application of the Hamilton Mountain Park Co., Ltd., for an order (a) authorizing the construction of an incline railway over and across the tracks of the T. H. & B. Ry. and the G.T.R. at or near Wentworth street south, below the mountain, Hamilton, Ont.; (b) for an order directing each of the said railway companies to pay such amounts as the board may think right towards the construction of said incline railway. File 21939.

Struck off the list by consent of the parties, with leave to be brought on on notice by interested party.

4398. Application Hamilton Street Railway Company, under section 227, for permission to cross at rail level the spur tracks belonging to the Oliver Chilled Plow Works of Canada, Ltd., on Gilkinson street, opposite McKinstry street, in the city of Hamilton, Ont. File 22310.

Order made granting application subject to the conditions set forth in the order; crossing to be protected by half interlocking plant. Applicant company to bear the cost of providing, maintaining, and operating same. See order No. 19816.

4399. Application of the T.H. and B. Co., under sections 237, 238 and 239, for an order authorizing them to permanently divert and close part of the highway between lots 14 in the 10th and 11th concessions, township of Pelham, Ontario, and to open a new highway in lieu thereof; the railway company to acquire certain lands belonging to Alonzo Jennings for the purpose of carrying out the above work. File 21620-6.

Order made granting application subject to certain conditions set forth in the order. See order 20134.

4400. Application T.H. & B. Co., under sections 237, 238 and 239, for an order authorizing them to permanently divert and close part of the highway between lots 1 in the 13th and 14th concessions, township of Pelham, Ontario, and to open a new highway in lieu thereof; the railway company to acquire certain lands belonging to George Daboll, for the purpose of carrying out the above work. File 21620-7.

Order made granting application subject to conditions set forth in the order. See order No. 20134.

4401. Application T. H. & B. Ry. Co., under sections 237, 238 and 239, for an order authorizing them to permanently divert and close part of the highway between lots 9 in the 11th and 12th concessions, township of Pelham, Ontario, and to open

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a new highway in lieu thereof; the railway company to acquire certain lands belonging to Thomas Thor for the purpose of carrying out the above-mentioned work. File 21620-8.

Order made granting application subject to conditions set forth in the order. See order No. 20134.

4402. Application T. H. & B. Ry. Co., under sections 227, 238 and 289, for an order authorizing them to permanently divert and close part of the highway between lots 5 in the 12th and 13th concessions, township of Pelham, Ontario, and to open a new highway in lieu thereof, the railway company to acquire certain lands belonging to Jemima Sutton for the purpose of carrying out the above work. File 21620-9.

Order made granting application and reseinding order No. 20134. See order No. 21400.

4403. Application of John A. Carr for an order directing the G.T.R. to provide a farm crossing on his property on lot 223, range 5, township of Godmanchester, county of Huntingdon, Quebec. (Adjourned hearing). File 22325.

Case withdrawn as matter settled.

4404. Application of Toronto and Niagara Power Co., under section 249, for an order directing the C.P.R. to permit the applicant company to carry its wires across the right-of way of the said railway in lot 6, concession 3, township of York, Ontario. File 22682.

Order made amending order 4669, dated April 15, 1908, to provide that the said crossing be made in accordance with plan No. 6123, filed with the board. C.P.R. Co. directed to permit crossing. See order No. 20049.

4405. Application Toronto & Niagara Power Co., under section 249, for an order directing the G.T.R. to permit the applicant company to carry its wires across the right of way of the said railway to Davenport road, Toronto, Ont. File 22683.

Order made amending order 5850, dated December 15, 1908, to provide that the crossing be made in accordance with plan No. 6123. G.T.R. directed to permit such crossing accordingly. See order 19974.

4406. Application C.L.O. & W. for approval of plan showing proposed farm crossing on lot 14, concession 5, township of Scarborough, Ont., mile 151. File 3701-305.

Matter stands at request of applicant.

4407. Application C.N.O. Ry., under section 237, for authority to cross, with its line of railway Dundas street between lot 9, concession B, and lot 1, concession C, township of Etobicoke, Ontario, by means of a structure carrying the highway over the railway and to divert Church street, lot 10, concession B, and lot 1, concession C, in said township. File 12021-115.

Referred to the board's chief engineer to deal with.

4408. Application of C.N.O. Ry., under sections 167 and 151 for sanction and approval of the revised location of its line through the township of York and part of the city of Toronto, Ont., mileage 2-23 to mileage 6-16 from Yonge street. File 12021-131.

Order made granting the application subject to the conditions set forth in the order. See order 20673.

4409. Application of C.N.O. Ry., under section 227, for authority to construct its lines and tracks across the lines and tracks of the G.T.R., C.P.R. and Toronto Suburban Ry. Companies in the city of Toronto, Ont. File 12021-150.

Order made granting the application. See order 21893.

4410. Application of G.T.R., under sections 222 and 237, for authority to construct (a) an additional track across the subway at Weston road, Weston, Ont., and (b) a siding and spurs therefrom commencing at a point on its railway east of Weston road, thence extending across subdivision lots 81, 80, 89, 88, 87, 86, in lot 6, concession 5, township of York, and crossing Oak street in the village of Weston, to and into the

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proposed by the Toronto Structural Steel Co., Ltd., on V.C.A. concession in township of York, Ontario. File 19517.

Order made granting the application. See order 19104.

4411. Application of the C.T.R. under section 227, for authority to construct an additional track (third track) across Bloor street, Lansdowne Avenue and Bond Avenue in city of Toronto, Ont., on the applicant company's main line. File 2254.

Order made granting application. See order 19206.

4412. Application of C.T.R. under section 227, for authority to construct in Forest street branch across the tracks of the C.T.R. Ry. at the west end of lot cadastre No. 5, parish of Louisa Pointe, Montreal, Que., at village 1-80-41 said branch, and to rearrange the siding of the latter company. File 17719-5.

Order to begin an enquiry.

4413. Application of Toronto Suburban Ry. Co., under section 227 for an order authorizing them to construct a railway track across the tracks of the C.T.R. where they intersect the applicant company's railway on the Arden Turning Company's property, at Arden, Ont. File 19561.

Order made amending order No. 18378 by providing that in addition to the tracks authorized to be crossed under said order, The applicant company is authorized to cross as shown on plan filed with the board. The applicant company is to pay in diamond and to defray expense of construction and maintenance. See order 19557.

4414. Application of the Lake Erie & Northern Ry. Co., under section 227, for an order approving of the undercrossing of the C.T.R. Co., at Paris, Ont. File 18034-26.

Order made granting the application. See order 19244.

4415. Complaint of Messrs. Jones, Shumner and others re blocking of crossings by New York Central trains. File 20612.

Statement made that matter had been settled by payment of \$500.

4416. Application C.N.O.R. Co., under section 159, for approval of location through the town of North Bay, mile 343-35 to 346-42 from Montreal (North Bay to Capreol Junction line). File 18402-8.

Struck off the list.

4417. Application C.N.O.R. Co., under section 237, for authority to construct its line of railway across public road between concessions 12 and 13, township of Chisholm, district of Nipissing, station 114-47, Mile 210-87. File 18402-50.

Order made amending order No. 18616 by approving of the proposed diversion shown on plan filed by the railway company subject to the terms of the agreement between the municipality of the township of Chisholm and the railway company. See order 20059.

4418. Application C.N.O.R. Co., under section 237, for authority to construct across Bourke street in the town of North Bay, Ont. File 18402-78.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4419. Application C.N.O.R. Co., under section 237, for authority to construct across Durrel street, North Bay, Ont. File 18402-79.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4420. Application C.N.O.R. Co., under section 237, for authority to construct across Jane street, North Bay, Ont. File 18402-80.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4421. Application C.N.O.R. Co., under section 237, for authority to construct across Bell street, North Bay, Ont. File 18402-81.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4422. Application C.N.O.R. Co., under section 237, for authority to construct and divert Marion street in the town of North Bay, Ont. File 18402-82.

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Order made granting the application subject to the conditions set forth in the order. See order 20500.

4423. Application C.N.O.R. Co., under section 237, for authority to construct across Cleveland street in town of North Bay, Ont. File 18402-83.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4424. Application C.N.O.R. Co., under section 237, for authority to construct across William street, North Bay, Ont. File 18402-84.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4425. Application C.N.O.R. Co., under section 237, for authority to construct across McIntyre street, North Bay, Ont. File 18402-85.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4426. Application C.N.O.R. Co., under section 237, for authority to construct across and divert Second avenue, North Bay, Ont. File 18402-86.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4427. Application C.N.O.R. Co., under section 237, for authority to construct across Timmins street, North Bay, Ont. File 18402-87.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4428. Application C.N.O.R. Co., under section 237, for authority to construct across Nipissing street, North Bay, Ont. File 18402-88.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4429. Application C.N.O.R. Co., under section 237, for authority to construct across Wyld street, North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-89.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4430. Application C.N.O.R. Co., under section 237, for authority to construct across Klock avenue in town of North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-90.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4431. Application C.N.O.R. Co., under section 237, for authority to construct across Front street, North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-91.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4432. Application C.N.O.R. Co., under section 237, for authority to close Chase street and divert the traffic by extending McLennan street from Klock avenue to Hine street, North Bay, Ont. File 18402-92.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4433. Application C.N.O.R. Co., under section 237, for authority to construct across Fisher street in the town of North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-93.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4434. Application C.N.O.R. Co., under section 237, for authority to construct across Ferguson street, North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-94.

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Order made granting the application subject to the conditions set forth in the order. See order 20280.

1435. Application C.N.O.R. Co. under section 237, for authority to construct across Third street, North Bay, Ont., File 18403-95.

Order made granting the application. See order 20551.

1436. Application C.N.O.R. Co. under section 237, for authority to construct across Venable street, North Bay, Ont., by means of an overhead structure carrying the railway over the highway. File 18402-95.

Order made granting the application subject to the conditions set forth in the order. See order 20550.

1437. Application C.N.O.R. Co. under section 237, for authority to construct across Mainline street, in town of North Bay, Ont. File 18402-95.

Order made granting the application, subject to the conditions set forth in the order. See order 20550.

1438. Application C.N.O.R. Co. under section 237, for authority to construct across Harvey street, North Bay, Ont. File 18402-95.

Order made granting the application, subject to the conditions set forth in the order. See order 20550.

1439. Application C.N.O.R. Co. for approval of plans showing proposed railway at Fraser street, North Bay, Ont. File 18402-95.

Order made granting the application subject to the conditions set forth in the order. See order 20550.

1440. Application C.N.O.R. Co. under section 237, for authority to construct its line of railway across John street, North Bay, Ont. File 18402-95.

Order made granting the application subject to the conditions set forth in the order. See order 20550.

1441. Application C.N.O.R. Co. under section 237, for authority to construct its line of railway across the public road of lot 4, concession 8, township of Ouarar, district of Simcoe, Huron section 2294-25. File 18402-95.

Order made granting the application. See order 20550.

1442. Application C.P.R. under section 237, for authority to construct the Fourth Street branch from mile 0.7 to mile 1.7 west and across the highway in the town of Blenheim, Ontario, in Huron, Queens, and Ontario counties, Ojibway, Algonquin, IPAno, Pelee, Deseronto, Lashby, Leithers, Huron and Aird sections, 2104, Fourth, Third, Second and First streets. File 17710-10.

Order made granting the application. See order 20295.

1443. Application of C. North W. Ry. Co. under sections 30, 131 and 237, for authority to divert Fourth Depot river in the township of Humberstone, Ontario, and to construct a bridge across the said river as so diverted at mile 33.54 from Glen Tay on the line of railway. File 1791-284.

Order made authorizing the applicant company to divert Fourth Depot river and to construct bridge across the said river as diverted, at 33.54 from Glen Tay.

1444. Application of the C.E.P. & W. Ry. Co. under sections 30, 131 and 237, for authority to divert Fourth Depot river in lot 12, concession 8, township of Humberstone, Ontario, and to construct a bridge across the said river as so diverted at mile 33.54. File 1791-284.

Order already issued.

1445. Application of St. Mary's National Bank Co. Ltd. under section 237, for an order authorizing the C.T.R. to construct a spur leading off the C.T.P. lines, both district, near St. Mary's, to and into the premises of the applicant on a part of lot 24, concession 17, township of Blenheim, Ontario, and to connect same with the tracks existing on said premises leading off the C.P.R. File 21851.

Order made for construction of spur under section 232, and for connection with the C.P.R.

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4446. Application, C.N.O. Ry. Co., under section 237, for authority to construct its line of railway across the public road between concessions B and 2, Township of Westmeath, Ontario. File 3561-142.

Order made annulling order already issued.

4447. Application of Wm. and Robert Wilson for an order directing the C.N.O. Ry. to provide a cattle pass on lot 26, concession B, township of Westmeath, Ontario. File 3561-148.

Order made directing the C.N.O.R. Co. to construct a suitable farm crossing and cattle pass at the point in question, and that the applicant company pay back to the 14th October, 1915, the money received in return from the railway company for the right of way. See order 29455.

4448. Application of Kerr and Thompson, Hamilton, Ontario, on behalf of property owners, to amend orders of the board Nos. 18671 and 18690, in relation to the G.T.R. on Longwood Avenue, Hamilton, Ont. File No. 18292, part 3.

Order made annulling orders 18671 and 18690.

4449. Application of the Canadian and Stomach Railway Co., under section 237, for leave to cross the G.T.R. at a point north of the river of Comber, Ontario. File 22902-1.

Order made granting the application, introducing plan to be established at the expense of the applicant company. See order No. 29425.

4450. Complaint of certain landholders of the townships of March and Toronto, Ontario, against the station also claimed by the C.N.O. Ry. and approved by order of the board No. 17744, and located at mile 29, west of Orono, Ontario. File 22902.

Complaint dismissed. Order made.

4451. Application of the G.T.R. Co., under section 237, for authority to construct new track at mile 29, west of Yellowhead pass, Carleton district, British Columbia. (Adjourned hearing.) File 3452-29.

Order made on balance dismissing application.

4452. Consideration of the matter of requiring railway companies subject to the board's jurisdiction to equip locomotives with air hose on the front end. File 22902.

No order made.

4453. The Canadian Pacific Railway Co. will be required to show cause why Supplement No. 17, to tariff C.R.C. No. W-1015, increasing the rate on lumber, shingles and other articles taking lumber rates from British Columbia coast and interior mills to points on its main line, should not be disallowed by order of the board No. 29245, should not be disallowed. File 1179-13.

Order made annulling order No. 29245.

4454. The Canadian Pacific Ry. Co. will be required to show cause why Supplement No. 24 to tariff C.R.C. No. W-1715, increasing the rate on rattan baskets from Vancouver and Victoria, B.C., to points in Manitoba sanctioned by order of the board No. 29246, should not be disallowed. File 1179-13.

Board directed that the tariff may become effective.

4455. Application of the North American Smelting Co., Ltd. of Kingston, Ontario, for a reduction of the freight rates on fuel ores and silver-bearing lead ores from points in British Columbia to Kingston, Ontario, and on pig-lead from Kamloops to Montreal, Que., Toronto, Ontario, and all other necessary points. File 22913.

Judgment reserved.

4456. The railway corporation, through the Canadian Freight Association, will be required to present to the board the basis of joint class and commodity tariffs now already published and used, in accordance with the undertaking given the late chief commissioner, for the railway companies by Messrs. MacInnes and Hayes, on the 20th of April, 1912. (Adjourned hearing.) File 3261, case 1871.

Judgment reserved. Stands to be opened up after hearing of Western Rate cases.

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4457. Application of the city of Toronto, Ont., for approval of plans of tunnel carrying Bloor street across the property of the C.P.R., the C.N.O. Ry. and the G.T.R. to connect the existing highway with Danforth avenue east of the Don river. 1 to 22007.

Application refused so far as it affects the C.P.R. Co.

4458. Application of the C.L.O. & W. Ry. Co., under sections 167 and 178, for an order authorizing (1) a revision in the location of a portion of its line in the town of Cobourg from mile 119.87 to mileage 120.18 from Glen Tay; and (2) the taking of extra land required for right of way purposes from the G.T.R. Co. in lot 17, concession A, town of Cobourg, Ont. File 3701-326.

Order made granting the application; but not to issue until the G.T.R. Co. makes a decision in the matter.

4459. Application of the C.L.O. & W. Ry. Co., under section 227 for authority to cross the G.T.R. spur track at mile 120.02 from Glen Tay, in the town of Cobourg, Ont. File 3701-65.

Order made granting the application. Applicant company to insert at its own expense a diamond from the tracks of the G.T.R. Co. Crossings to be protected by interlocking plant. See order 21181.

4460. Application of the corporation of the city of Ottawa, Ont., under section 256, for an order permitting the said corporation to construct and maintain a brick and concrete sewer across the lands of the C.P.R. Co., comprising the Broad street yard of said company, and under the tracks and rails of the said company situated in the said yard. (Adjourned hearing). File 22846.

Order made granting the application.

4461. Application of W. R. Kirk, Foresters Falls, Ont., for an order directing the C.N.O. Ry. to provide a cattle pass on his property on lot 9 (south half), concession B, township of Ross, Ontario. File 18402-74.

Order made directing the C.N.O.R. Co., to construct a live-stock pass under its railway. See order No. 20677.

4462. Application of the C.P.R., under sections 222 and 237, for authority to construct the tracks of the industrial spur across King Edward avenue, Cumberland and Dalhousie streets, in city of Ottawa, Ont. (Adjourned hearing). File 22366.

Withdrawn by the applicant company, with leave to renew.

4463. Consideration of the matter of requiring railway companies subject to the Board's jurisdiction, at points where the decks of turn tables are not already slatted or planked, to either plank the deck of turn tables or slat same with say 3 by 1-inch slats, leaving a space of 1 inch between each slat so as to allow for water leaking from engines or snow melting on the deck to run to the table pit, thus avoiding a collection of ice on the deck in cold weather; in the case of new turn tables ties to be spaced not more than 2 inches apart, or else planked or slatted as above referred to. File 22913.

Board decided that no order is necessary.

4464. Consideration of the matter of requiring railway companies subject to the Board's jurisdiction to show cause why they should not equip motor cars used for purposes other than the transfer of passengers, with whistles or bells to be sounded when approaching crossings. File 20350.

No action deemed necessary, the matter having been brought to the attention of the railway companies.

4465. In the matter of the application of the corporation of the city of Berlin, Ont., under sections 247 and 248 of the Railway Act, for an order directing the Canadian Pacific Railway and the Great North Western Telegraph Co. to remove their wires and cables from that portion of Queen street north lying between King street and Weber street in said city, and for an order directing the Bell Telephone Co. of Canada to remove its poles, wires and cables from that portion of King street west lying between Wellington street and the western limits of the said city, and directing

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that the said lines of wires and cables be placed and carried in underground conduits. File 22931.

Telephone company to remove its wires from the poles on Queen street, and municipality to allow the companies equivalent right on poles on another street, but to have the right to remove poles from Queen street. Telegraph companies to file particulars of quantities and cost. Bell Telephone Company to furnish board with information and figures mentioned. See also files 22931-1 and 22931-2.

4466. Complaint of the Campbellford Board of Trade, relative to alleged unsatisfactory train service of the G.T.R. at that point. File No. 22343.

Referred to the Board's engineering and traffic departments to investigate and report upon.

4467. Complaint of the Board of Trade, Picton, Ont., alleging defective train connections by the Canadian Northern Railway Company with the Grand Trunk Ry. eastbound, at Trenton; also insufficient mail service from Picton to Trenton for eastern destinations. File Nos. 23194 and 21772.

Complaint withdrawn, except as to the mail and express service, in respect of which judgment is reserved.

4468. Complaint of the Board of Trade, Picton, Ont., that the joint rates charged by the C.N. Express Co. on fruit from Prince Edward county points are excessive compared with the rates on similar traffic from the Niagara district, particularly to such points as Peterboro and Port Hope, to which distance favours complainants; also^d alleging defective transfer service for fruit and delays thereto at Trenton Junction. File 4214-391.

Judgment reserved.

4469. Complaint of the Board of Trade, Picton, Ont., that the C.N.O.R. Co. charge excessive freight rates from Trenton to Picton on joint traffic ex-Grand Trunk Railway. File 21771.

Complaint withdrawn.

4470. Application of the C.P.R. Co. for approval of 1-20 foot H.D.P.G. span at 181-29 C.L.O. & W. Ry. File 3701-274.

Order made granting the application.

4471. Application of the C.L.O. & W. Ry. under section 227, for authority to construct across tracks of the Oshawa Electric Ry. at Oshawa, Ont., at mileage 153-35 and 159-02, from Glen Tay at Simcoe and Prospect streets. File No. 3701-34.

Order made granting leave to the applicant company to operate over the crossing until the 1st of June, 1914, crossing to be protected by a flagman appointed and maintained by the applicant company. See order No. 20943.

4472. Application of the C.L.O. & W. Ry. under sections 29 and 237, for an order rescinding order No. 19093, and authorizing it to construct its tracks by means of a grade crossing across Sinclair street, in town of Cobourg, Ont., at mileage 120-6 (from Glen Tay). File 3701-279.

Order made granting the application and rescinding order No. 19093. See order No. 20597.

4473. Application of the town of Cobourg, Ont., for an order requiring the G.T.R. Co. to maintain a watchman at William street crossing, Cobourg, Ont. File 9437-107.

No order made, matter referred to the board's chief engineer.

4474. Application of the C.L.O. & W. Ry. under section 167, for approval of certain further proposed alterations in the location of the railway which was approved by the board by order No. 16454, dated 6th May, 1912, and amended by order No. 20040, dated 8th August, 1913, so as to include within the limits of the right of way covered by such location those portions of lot 3 on the southwesterly side of Seugog street in the town of Bowmanville, required for station grounds. File 3701-183.

Order made approving of the location of the applicant company's station at Bowmanville as applied for. See order 20671.

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4475. Application of the C.L.O. & W. Ry. Co. under sections 222, 227 and 237, for authority to construct a business spur from a point on its main line at mile 0 to a point in lot 1, on the northwest corner of Ontario and Dundas streets at mile 1.11 (spur mileage) in the town of Trenton, Ont.; and (2) to construct at grade the tracks of the said spur across the tracks of the C.N.O. Ry. Company's main line and spur track at mile 0.47 of said spur; and (3) to construct the tracks of said spur at grade across Marmora, Baptiste, and Ferry streets, and to close up within the limits of the right of way, Terance, Bocago, Louise, Leopold, Empress, Mary Ann, Hannah, Mary, Paul, Peter, James, Meyers, Cedar, Ann and College streets in the said town. File 3701-347.

Order made granting the application. See order 21480.

4476. Application of the C.L.O. & W. Ry. under section 237, for an order authorizing it to (1) close temporarily for a period of nine months from date a portion of the forced road through lot 24, concession 8, township of Camden, Ontario, mileage 46.3 on the applicant company's line; (2) to construct a temporary road diversion in lieu of portion to be closed in said lot 24; (3) to construct the tracks of its ballast pit spur at grade across said road diversion; (4) to recross at grade, temporarily, the road allowance between lots 24 and 25 with movable spur; and (5) to finally construct roadways to grades as shown on plan filed with the board. File No. 3701-348.

Order made authorizing the applicant company to construct and operate its track for a period of nine months from the date of the order, over the forced road running through lot 24, upon the conditions therein set forth. See order No. 20625.

4477. Application of George Wedlake, of Brantford, Ontario, under sections 252 and 253, for an order directing the L.E. & N. Ry. to provide and construct suitable farm crossings by means of level crossings and subway on his farm in the township of Brantford, Ontario. File 18034-45.

Application refused.

4478. Application of the residents of West Hamilton and the township of Ancaster, Ontario, for an order directing the T.H. & B. Ry. Co. and the Hamilton and Dundas Electric Railway to construct public crossings across their tracks at Leland street, Emerson avenue, Broadway avenue, and Bowman street in West Hamilton, Ontario. File 23195.

Order made authorizing the township of Ancaster at its own expense to construct and maintain Broadway avenue across the tracks of the railway company. Application as to removal of crossing dismissed. See order 20613.

4479. Application of the township of Saltfleet, Ont., to construct highways across the right of way of the T.H. & B. Ry. Co. being known as "Cochrane" and "Rosseau" roads in lot 34, concession 4, township of Saltfleet, Ontario. File 22692.

Order made granting the application at the expense of the township of Saltfleet. Application to cross Rosseau road refused. See order 20648.

4480. Application of the T.H. & B. Ry. Co. to close and divert highway between lot 5, concession 12, and lot 5, concession 13, in township of Pelham, Ontario. (Re-hearing.) File 21620-9.

Order made authorizing the railway company to divert the two highways between lot 5, concession 12, and lot 5, concession 13, and lots 6 and 5, concession 12, and to construct a right angle crossing half-way between the two crossings. Order No. 20134, dated August, 1904, rescinded in part. See order 21400.

4481. Consideration of the matter of protection at the crossing of the T.H. & B. Ry. main line at Emerson street, West Hamilton, Ont. File 9437-1011.

Struck off the list.

4482. Application of the L.E. & N. Ry. for an order giving the said company the right to operate temporarily for construction purposes over the tracks of the Grand Valley Ry. Co. over diamond recently installed in pursuance of order No. 19248, until such time as the interlocking plant can be installed. File 18034-15.

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Order made granting the application, trains and cars of the applicant company and of the Grand Valley Railway Co. to be flagged over the crossing. See order 20395.

4483. Application of the Lake Erie and Northern Railway Co., under section 227, for approval of the crossing at grade of the tracks of the Grand Valley Railway Company near Paris, Ont. File 18035-16.

Order issued to stand with liberty to the Grand Valley to apply again to the board if it so desires.

4484. Application of the L.E. & N. Ry. Co. for an order amending order No. 19304 by striking out the words "Brantford Street Railway Company," in paragraphs 3 and 5 of the operative part of said order, and substituting therefor the words "applicant company." File 18034-18.

Order made reissuing order No. 19468, dated June 4, 1913, and declaring Lake Erie and Northern Railway Company to have seniority as to trains over the Brantford Street Railway Company until further orders of the board. See order 20678.

4485. Application of the L.E. & N. Ry. Co. for an order to amend order No. 19227, granting it leave to divert the rails of the Grand Valley Railway in the township of North Dumfries, Ontario. File 18034-22.

The railway company to be allowed to shift the track at its own expense between 11.30 p.m., October 13, 1913, and 8.30 a.m., October 14. Mr. James for the Grand Valley to be present when the work is being done, and to see that no objection is offered to the company in doing the work.

4486. Application, L.E. & N. Ry. Co., under sections 158 and 159 for approval of plans, profile and book of reference showing part of general location of proposed line from the city of Brantford to the village of Port Dover, Ont. File 18034-33.

Stands. The reeve to advise the board and railway company whether he can get the land to take the railway off the right of way.

4487. Application of the L.E. & N. Ry. Co., under section 176, for authority to expropriate certain lands of the Grand Trunk Railway, in the village of Port Dover, Ontario. File 18034-35.

Application stands to enable the parties to reach an arrangement as to a proper basis for joint user.

4488. Application of the L.E. & N. Ry. Co., under sections 158, 159 and 167, for sanction and approval of plan, profile and book of reference showing deviation in said railway between stations 745-00 and 793-00 in township of Townsend, Ontario. File 18034-47.

Order made granting application.

4489. Application of the L.E. & N. Ry. Co., under section 237, for approval of the highway crossings of the said railway within the township of Townsend, Ontario. File 18034-48.

Order made granting application.

4490. Application of the L.E. & N. Ry. Co., under sections 158, 159 and 167, for approval of plan, profile and book of reference showing a deviation in said railway between stations 538-52.8 and 553-19.3 in the township of South Dumfries, Ontario. File 18034-49.

Order made granting the application, subject to the conditions set forth in the order. See order No. 20647.

4491. Application of Messrs. Grand Gypsum, Ltd., Hamilton, Ontario, for an order directing the G.T.R. Co., to construct a siding from its railway to the applicant lands situate in the township of North Cayuga, Ontario, being composed of the south half of Lot No. 45, concession 1, north of the Talbot road in the said township of North Cayuga, excepting thereout that portion of the said lands conveyed to the G. T.R. Co. File 22370.11.

Order to go in the terms of the oral judgment delivered at the hearing.

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4492. Application of the G.T.R., under sections 222, 227 and 237, for authority to construct a siding from a branch line of railway to and into the premises of the Oneida Lime Co., Ltd., thence crossing the side road between the lots 48 and 49, concession 1, township of North Cayuga, Ontario, to and into the premises of the Pilkington Bros., Ltd., on the north half of lot 48, concession 1, township of North Cayuga, Ontario. File 23031.

Stands to enable the parties to come to an arrangement if possible. If not, the matter to be spoken to again.

4493. Application of the G.T.R., under sections 222 and 237, for authority to construct certain sidings from a point on the 16th District Northern Division of the applicant company's railway, west of what was formerly Sherman avenue, Hamilton, Ontario, thence crossing Gilkinson street, what was formerly Sherman avenue to and into the premises of the International Harvester Company of Canada, Ltd., on parts of lots 8 and 9, concession 1, township of Barton, in the city of Hamilton, Ontario. File 22018.

Order made granting application.

4494. Application of the corporation of the city of Hamilton, Ontario, under section 237, for an order compelling the T.H. & B. Ry., Co., to abandon its entrance into the city via Hunter street and adopt, in conjunction with the G.T.R. and C.N.O.R., a common location in the north end of the city. File 22009.

See judgment, Chief Commissioner, dated 3rd September, 1913. Appendix "C."

NOTE.—The corporation of the city of Hamilton have appealed from the decision of the board to the Supreme Court of Canada.

4495. Application of the city of Hamilton, Ontario, for an order providing for separate grades at the intersection of Burlington street and the railway crossing at Irondale into the plant of the Steel Company of Canada, Ltd., and the International Harvester Company of Canada, Ltd., at the cost of the T.H. & B. Ry. Co., the Hamilton Street Railway Company, the G.T.R., the C.P.R., and the Hamilton Radial Electric Railway Company, the Steel Company of Canada and the International Harvester Company of Canada. File 23032.

Order made amending order No. 19764 by striking out section 2 and substituting clause therefore set out in order. Also extending time for completion of the work to 30th January, 1914. See order 20704.

4496. Application of the corporation of the city of Hamilton for an order varying order No. 19764, in the matter of an application of the T.H. & B. Ry. Co., under sections 221, 222 and 223, for authority to construct two spurs in the city of Hamilton, Ont., from a point on the northerly limit of the right of way of the G.T.R. Northern and Northwestern Division thence through the lands of the Steel Company of Canada, Ltd., and crossing Hamilton Radial Electric Company and highway known as Burlington street (formerly Gilkinson street) to and into the lands of the Steel Company of Canada, Ltd.; (2) for an order under sections 235 and 237 authorizing the applicants to cross at grade the said Burlington street; (3) for an order under section 227 for authority to cross at grade the railway of the Hamilton Electric Railway Co. File 22050.

Order made amending order No. 19764 by striking out section 2 and substituting clause therefor set out in order, also extending time for the completion of the work to 20th January, 1914. See order 20704.

4497. Application of the corporation of the city of Hamilton, Ont., for an order directing the T.H. & B. Ry. Co. to provide watchman and gates at the intersection of the company's northerly spur or branch railway with Barton street in the said city of Hamilton, Ont. File 18946.

Struck off the list.

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4498. Application of the T.H. & B. Ry. Co. to construct and operate a branch line in the city of Hamilton across Sherman avenue, Earle street, Gibson avenue, the tracks of the Hamilton Electric Radial Railway, Rosedale avenue, Princess street, and Milton avenue, and certain lanes to the lands and premises of the Canadian Westinghouse Co., and in the matter of order 18834, dated March 7, 1913, extending the time within which the city of Hamilton be required to make the excavation to the northern limit of the T.H. & B. Ry. Co.'s tracks.

NOTE.—The question to be considered in connection with the orders issued herein is that of the seniority of the parties. File 16748.

City declared to be senior at the point in question.

4499. Application of the T.H. & B. Ry. Co. under sections 221, 222 and 223, for authority to construct a spur with two branch lines therefrom in the city of Hamilton, Ont., to and into the premises of the Canadian Westinghouse Co. Ltd., and for an order under sections 235 and 237 for authority to cross at grade the highway known as Aberdeen avenue with said branch line in city of Hamilton, and also for an order under section 227, for authority to cross at grade the tracks of the Hamilton and Dundas Street Railway on Aberdeen avenue. File 22581-2.

Order made granting the application subject to the conditions set forth in the order. See order No. 20711.

4500. Application of T. W. Murray, under section 226, for an order directing the C.P.R. to construct a spur from the Muskoka Subdivision into the east half of lot 1, township of Vaughan, and lot 25, township of York, Ontario. File 22870-5.

Application dismissed, new plans to be drawn and filed in accordance with suggestions made at the hearing.

4501. Application of the Dominion Transportation Company, for an order directing the Algoma Central Railway Co., to allow the applicants to continue to make use of the landing wharf or dock at Michipicoten, Ont. File 17990-10.

4502. Application of the C.P.R. under sections 222 and 237, for authority to construct a spur for the McCormick Manufacturing Company, Ltd., London, Ont., from a point on applicant company's main line, London, S.D., thence across Middleton avenue, Princess avenue, Mugan avenue, Torristal avenue, and Nightingale avenue, and across subdivision lots 34, 45, 54, 62, 68, 67, 66 and 20, a subdivision of township, lot 10, and subdivision lot 3, lot 10, to and into the premises of the McCormick Manufacturing Company, Ltd., situate in lot 9, concession 1, township of London, Ontario. File 23108.

Order made. G.T.R. to make its submissions in writing within one week. If not filed within that time, order to issue.

4503. Complaint of Samuel Sharpe, M.P., and municipalities of Campbellford, Hastings, Sterling, and others, relative to the train service of the G.T.R. between Toronto and Peterboro, Ont. File 21737.

Matter referred to the board's engineering and operating departments to investigate and report upon.

4504. Application of the O. & Q. Ry Co., under section 237, for authority to construct the tracks to the freight sheds in yard at Peterboro, Ont., across King street in said city of Peterboro, and to change the alignment and grade of other two tracks across said King street, city of Peterboro, Ont. File 22915.

Order made granting the application.

4505. Application of the G.T.R. under sections 222, 227 and 237, for authority to construct a siding from a point on its right of way north of Guelph street, in town of Preston, Ont., thence extending along said right of way and crossing at grade, the Galt Preston and Hespeler Ry., Laurel street and Wellington street, in said town of Preston, to the easterly side of William street in said town. File 23117.

Application struck out with liberty to renew at any time.

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4506. Application of the C.L.O. & W. Ry., under sections 258, for approval of location of station at Lonsdale, in lot 22, concession 2, township of Tyendinaga, Ontario, at mileage 63.87 from Glen Tay, Ont. File 3701-329.

Order made granting the application and providing that when the traffic on the highway is blocked for more than five minutes at any one time, the board shall be at liberty to relocate the location of the said station. See order 20652.

4507. Application of the C.P.R. under section 237, for authority to construct by means of a grade crossing across the tracks of the ballast pit spur, across the road allowance between Indian reserve and the township of Thessalon, Ontario, at mileage 3-08, of said ballast pit spur. File 23180.

Order made granting the application subject to conditions set forth in the order. See order 20670.

4508. Application of the town of Lindsay, Ont., for an order directing the G.N.W. Telegraph Company to remove its poles from a certain portion of Kent street, in town of Lindsay, Ont. File 22901.

Order made directing the G.N.W. Telegraph Co. to remove telegraph wires and poles on Kent street between Victoria avenue, and Lindsay street, also to remove telegraph wires on Victoria and Lindsay streets between Russell and Kent streets, and to make certain other changes as set forth in the order, any dispute which may arise as to the nature or cost of the work to be settled by the board's electrical engineer. See order 21734.

4509. Application of the G.T.R. under section 237, for authority to construct an additional railway track across Thompson road, in the township of Bertie, Ontario, to be used in connection with proposed extension of the applicant company's yards at Bridgeburg, Ont., and Fort Erie, Ont.

NOTE.—The board will consider the question of settlement of the plans having particular regard to the track of the Pere Marquette Railway Company. File 9437-933.

Order made amending order No. 19215, dated May 6, 1913, by providing that the cost of maintaining the subway be paid, 15 per cent by the P.M.R. Co., 30 per cent by the M.C.R., $47\frac{1}{2}$ per cent by the Grand Trunk and $7\frac{1}{2}$ per cent by the township of Bertie. Applicant company to file amended plans by November 30, 1913. See order 20701.

4510. Application of G.T.R. for an order directing that the C.P.R. should pay the whole of the additional cost of protection at crossing of the G.T.R. by the C.P.R. in the west half of lot 14, concession 2, township of Trafalgar, mileage 32.56 from Toronto, Ont., as provided for by order No. 19853, dated July 19, 1913, and two-thirds of the maintenance and operation of the same. File 22282-3.

Order made directing that the cost of installing the diamond be borne by the C.P.R. Company and that the cost of maintenance and additional protection be paid, one-half by the C.P.R. and one-half by the G.T.R. Companies. See order 20664.

4511. Consideration of the matter of protection at the crossing of the G.T.R. over the first highway east of Clarkson station, Ont. File 9437-802.

Order made directing the G. T. R. Co. to instal gates at the said crossing to be operated by day and night watchmen question of apportionment of cost and maintenance reserved. Gates to be erected by January 21, 1914. See order 20618.

4512. Application of the C.N.O.R., under section 178 for authority to take a portion of lot 13, concession 1, township of Nipigon, Ontario. File 9188, 145.

Order to go in terms of consent, order to be filed.

4513. Application of A. R. Farewell, Oshawa, Ont., under sections 252 and 253 for an order directing the C.L.O. & W. to provide and construct a suitable farm crossing where the company's line intersects his farm in lots 17 and 18, concession 1, township of East and West Whitby, Ontario. File 3701-340.

Order made directing the railway company to construct an undercrossing. Work to be completed by the 11th February, 1914. See order 20817.

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4514. Application of the municipality of the village of Weston, Ont., for an order rescinding order No. 17472, authorizing the Toronto Suburban Railway Company to cross with its tracks the tracks of the Grand Trunk Railway Co., at Weston road near the north limit of the village by means of an undercrossing. File 20188.

Struck off the list, to be brought on again whenever the village of Weston or the Toronto Suburban Railway desire it.

4515. Application of the G.T.R., under section 237, for authority to construct across Spadina avenue, Toronto, seven additional tracks at grade, to be used in connection with its proposed roundhouse east of Spadina avenue, Toronto, Ont. (Adjourned hearing). File 21339.

Struck off the list.

4516. Application of the G.T.R., under sections 222 and 237, for authority to construct a siding and spur therefrom, from a point on its railway west of Abell street, Toronto, Ont., thence crossing certain lands of the Canadian Rumely Co., Ltd., and upon, along and across Sudbury street to and into the premises of the Massey-Harris Co., Ltd., north of Armour street in the city of Toronto, Ont. (To be spoken to). File 20706.

Order made granting the application. See order 20663.

4517. Application of the township of Toronto, Ontario, for an order directing the G. T. R. Co. to instal an electric bell at crossing on third line west of Etobicoke river, between lots 5 and 6, concession 2, south of Dundas street in said township. File 9437-1038.

Order made directing the railway company to instal an automatic electric bell at the said crossing and maintain it at its own expense; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the balance by the railway company. See order 20620.

4518. Application of the Canadian Pacific Railway for approval of plan showing general layout of new steel trestle required for double track bridge 94-4 Toronto subdivision, Don viaduct. File 22262-6.

Referred to chief engineer to inspect and report.

4519. Application of the O. & Q. Ry. Co. (C.P.R.) under section 237, for an order authorizing proposed change of present grade crossing in road allowance between lots 24 and 25, concession 3, township of Scarborough, Ontario, and the construction of an additional track by means of a grade crossing across said road allowance at mileage 87-9. File 22262-8.

Order made granting application. See order No. 20650.

4520. Application of the C.P.R. under section 237 for authority to change the present grade crossing in road allowance between concessions 2 and 3, township of Scarborough, Ontario, and to construct an additional track across the said road allowance at mileage 88-2. File 22262-10.

Judgment reserved. See order 20217.

4521. Application of the O. & Q. Ry. Co. (C.P.R.) under section 237, for authority to change the present grade crossing in road allowance between lots 28 and 29, concession 2, township of Scarborough, Ontario, and to construct an additional track (double track) across said road allowance at mileage 89-0. File 22262-12.

Judgment reserved. See order 20216.

4522. Application of O. & Q. Ry. Co. (C.P.R.) under section 237, for an order authorizing it to close the limits of the right of way road allowance between concessions 1 and 2, township of Scarborough, and road allowance between lots 22 and 23, township of Scarborough, Ontario, and to construct a road diversion in lieu of said portions to be closed in lot 32, and construct its tracks across said diversion at mileage 90-4. File 22262-13.

Order made directing the applicant company to construct a road diversion in

lot 32, concession 1, township of Scarborough, and to cross by means of a grade crossing at mileage 90.4. See order 20651.

4523. Application of the C.P.R. Co. (Ontario and Quebec Ry. Co.) under section 237, for authority to change present grade crossing in road allowance between lots 34 and 35, concession 1, township of Scarborough, Ontario, and to construct an additional track (double track) across said road allowance at mileage 91.2. File 22262-14.

Order made authorizing the applicant company to change the present grade crossing on road allowance between lots 34 and 35, concession 1, township of Scarborough, and to construct an additional double track by means of a grade crossing. See order 20653.

4524. Application of the C.N.O. Ry. under sections 227 and 237 for authority to construct its line of railway across Davenport road in city of Toronto, Ont., and to cross the tracks of the Toronto Suburban Railway Company by means of an overhead structure. File 12021-86.

No action taken.

4525. Application of the C.N.O.R. under sections 167 and 151 for sanction and approval of the revised location of its line of railway through the township of York and part of the city of Toronto, Ont., mileage 2.23 to mileage 6.16 from Yonge street, Toronto, Ont. File 12021-131.

Order made approving of the revised location of the applicant company upon certain conditions set forth in the order. See order No. 20673.

4526. Application of the C.N.O.R. under section 167, for sanction and approval of the revised location of its line of railway through the township of Etobicoke, Ontario, mileage 5.90 to mileage 10.35 from Yonge street, Toronto, Ont. File 12021-133.

No action taken pending approval of application.

4527. Application of the C.N.O.R. under section 227 for authority to construct its line and tracks across the lines and tracks of the C.P.R. between lots 8 and 9, concession 4, township of Etobicoke, at mileage 9.45 from Yonge street. File 12021-149.

No action taken pending approval of location.

4528. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across Church street, between lot 1, concession "C" and lot 10, concession "B," township of Etobicoke, Ontario. File 12021-150.

No action taken pending approval of location.

4529. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across Dundas street between lots 9 and 10, concession "B," township of Etobicoke, Ontario. File 12021-151.

No action taken pending approval of location.

4530. Application of the C.N.O.R. under section 159, for approval of location of proposed entrance to the city of Toronto, township of York, mileage 251.84 to mileage 254.3, from Ottawa, Ont. File 3878-453.

Plans to be prepared and submitted to the parties interested. Matter not to be set down again unless directed by the board.

4531. Application of the C.N.O. Ry., under section 237, for authority to construct its line of railway across Dawes road between the townships of York and Scarborough, Ontario. File 3878-544.

Order made granting the application. See order 20640.

4532. Application of the C.N.O. Ry., under section 237, for authority to construct its line of railway across Eglinton avenue between lot 1, concession 4 and lot 5, concession 3, township of York, Ontario. (Adjourned hearing.) File 3878-546.

Order made granting the application. See order 20656.

4533. Application of the C.N.O. Ry. under section 237, for authority to construct its line of railway across the Don Mills road in lot 1, concession 3, F. Y. township of York, Ontario. (Adjourned hearing.) File 3878-548.

Order made granting the application. See order 20642.

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4534. Application of the C.N.O. Ry. under section 237 for authority to construct its line of railway across the public road between lots 34 and 35, concession "C 2," township of Scarboro, Ontario. File 3878-553.

Order made granting the application. See order 20641.

4535. Application of the C.N.O. Ry. under section 237, for authority to construct its line of railway across Winchester street in city of Toronto by means of a structure carrying the railway over the highway. File 3878-561.

Plans to be prepared and submitted to parties interested. Not to be set down again unless specially directed.

4536. Application of the city of Toronto, under sections 237 and 238 for an order authorizing the reconstruction of the bridges at Moore avenue, partly in the city of Toronto and partly in the township of York carrying the highway over the tracks of the Belt Line railway and for directions as to preparations of plans and profiles for the erection of such bridge. File 23190.

Stands to enable the parties to ascertain the facts and to submit the same to the board regarding the bridge.

4537. Application of the city of Toronto, Ont., under section 30, for an order requiring the C.P.R. to so equip or operate their roundhouse situated immediately east of John street and opposite the main pumping station of the applicant so as to prevent the emission of smoke which is causing serious damage and loss to the electrical pump of the applicant in the said pumping station. File 23177.

Judgment reserved, matter referred to the board's chief operating officer to investigate and report upon.

4538. Application of the city of Toronto, Ont., under sections 237 and 257, for approval of plan showing the reconstruction of bridges across the tracks of the G.T.R. and C.P.R. at Strachan avenue, Toronto, Ont. (Adjourned hearing.) File 21673.

Order made granting the application, subject to the conditions set forth in the order. See order 20643.

4539. Application city of Toronto, Ont., for an order directing the G.T.R. and C.P.R. to carry York street and certain other streets in the said city under the tracks of the said railway companies.

NOTE.—This matter has been set down for the purpose of fixing the time for the commencement and for the completion of the work ordered by the board herein. File 588; case 3322.

Plans approved and work to be commenced forthwith. As to the new station the railway companies to advise the board within a fortnight whether the organization referred to to-day has been completed.

4540. Complaint of the rural municipality of Brokenshell, No. 68, Saskatchewan, relative to the road allowance taken by the C.P.R. between the east halves of sections 8 and 17, township 8, range 17, west of the 2nd meridian, Trossachs, Sask. File 8262-50.

Order made directing the C.P.R. Co. to construct a roadway 66 feet wide at the said point of crossing, work to be completed within 60 days from the date of the order. Question of apportionment of cost reserved. See order No. 21821.

4541. Application of J. S. Wiens, Herbert, Sask., for an order directing the C.P.R. to provide a cattle pass on his property on S.W. $\frac{1}{4}$ of section 10-17-10, west 3rd meridian, Saskatchewan. File 22689.

No order made.

4542. Application of the town of Estevan, Sask., for authority to construct a branch line of railway to connect the tracks of the C.P.R. with the tracks of the C.N.R. in the easterly end of the town. File 6713-47.

Matter referred to the board's chief engineer and chief operating officer for investigation and report. Judgment reserved in the meantime.

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4543. Application of S. A. Hamilton Co., Ltd., of Moosejaw, Sask., for spur track-
age to lot 1, to 12, block 24, Prairie Heights, Moosejaw, Sask., on the line of the
C.P.R. to serve lumber and coal yards. File 22980-3.

Order made directing the C.P.R. Co. to construct a spur to the premises of the
S. A. Hamilton Co., Ltd., in the city of Moosejaw, upon the terms set forth in the
order. Work to be completed within 21 days from the date of the order. See order
No. 21679.

4544. Application of the residents of the city of Moosejaw, Sask., for an order
directing the C.P.R. to construct overhead bridge over Eighth avenue, Moosejaw, Sask.
File 16165.

Order made directing the C.P.R. to construct a bridge with a roadway 30 feet wide
over its tracks on Eighth avenue, west, Moosejaw, and an extension sidewalk 6 feet wide
on one side of the bridge; \$5,000 of the cost of construction to be paid out of the Rail-
way Grade Crossing Fund, 75 per cent of the balance to be paid by the railway com-
pany, and 25 per cent by the applicants. Order No. 17206 rescinded. See order 20868.

4545. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to
delay by G.T.R. in completing its line to Moosejaw, and the erection of station there.
File 10863-62.

No formal order made. G.T.P., however, to put in temporary facilities both for
passenger and freight traffic, company undertaking to see that this is done within
fifteen days.

4546. Complaint of Messrs. the Robert Hay Co., of Toronto, Ont., *re* delays in
placing of cars at Toronto yards and request for a ruling of the board with reference
to matter of demurrage charged by the G.T.R. on car of hay billed to Toronto but
standing for some time on Cripple Creek track at Mimico undergoing repairs. File
1700-48.

Demurrage charges to be refunded to the complainant company.

4547. Application of the Howell Co., of Toronto, Ont., for a reduction in the
import rate on wood pulp, Montreal to Windsor Mills, Que. (Adjourned hearing.)
File 22388.

Order made directing the G.T.R. Co. to establish and put into force rate of 8
cents per 100 pounds on imported wood pulp, in carloads from Montreal harbour to
Windsor Mills, Que., rate to include those terminal charges at port of Montreal which
are included in the rates of the G.T.R. Company's general tariff on import merchan-
dise, as published and filed. See order No. 21148.

4548. Application of the Dominion Sugar Company, Ltd., of Wallaceburg, Ont.,
for a readjustment of the rates on sugar, in carload quantities from Wallaceburg to
Toronto, and from Wallaceburg to Hamilton, over the lines of the C.P.R., G.T.R.,
Pere Marquette and Chatham, Wallaceburg and Lake Erie Ry. Companies. (Re-
hearing.) File 21732.

Board directed railway companies to file replies within three weeks from receipt of
copy of memorandum furnished by the applicant company.

4549. Complaint of Mr. S. C. Knowles, Toronto, Ont., relative to refusal of Bell
Telephone Company to give him service unless he pays the cost of construction on the
highway over and above present telephone service charges. File 3574-97.

Struck out, the matter having been settled between the parties.

4550. Application of the Bell Telephone Company, of Canada, for an order
rescinding order No. 14184 in so far as it concerns the Ingersoll Telephone Company,
Ltd. Application of the Markham and Pickering Telephone Company, Ltd., and other
companies to have the order No. 14184 for long distance varied. File 16171.

In so far as connection between the Bell and non-competitive companies is con-
cerned, the existing order is to remain except that the penalty of 15 cents is struck
out. Judgment reserved as to remainder of application.

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4551. Complaint of the Rosedale Sawmill Co., of Toronto, (a) against the increase in the Canadian Northern Ontario Railway's switching charge from their siding to the C.N.O. Ry. interchanges with the C.P.R. and G.T.R. in the Toronto terminals; (b) against the increased switching charges from the said interchanges to the various points of delivery within the Toronto terminals; (c) that the Grand Trunk and Canadian Pacific Ry. Companies refuse to place their cars for unloading on team tracks within the Toronto terminals; (d) that in its rates for the haulage of logs to complainant's mill, the C.N.O.R. discriminates against them, and in favour of the Holt Lumber Company; (e) that the C.N.O. Ry. Co. disregarding its agreement with the complainants, refuse to reimburse to them the cost of their construction work on their siding.

NOTE.—The C.N.O.R. Co. will be required to explain its failure to furnish the board and complainants with the facts and figures information asked for at sittings in Toronto, July 15. File 22269.

Canadian Northern Company to file information asked for within one week. Copy to be forwarded to the complainants.

4552. Complaint of J. G. Cane & Co. of Toronto, Ont., against the increased charges of the C.N.O.R. and C.P.R. Companies for switching cars from the Rosedale Sawmill Company's C.N.O.R. siding to the C.P.R. North Toronto yards. (Supplementary to the complaint of the Rosedale Sawmill Company.)

NOTE.—The C.N.O.R. Co. will be required to explain its failure to furnish the board and complainants with the facts and information asked for at sittings in Toronto July 15. File 22536.

Canadian Northern Company to file information asked for within one week. Copy to be forwarded to the complainants.

4553. Railway will be required to speak to application of the Canadian Manufacturers Association for an order requiring the company to pay interest on unsettled claims after thirty days. File No. 22960.

Board held it had no jurisdiction to deal with this application.

4554. Consideration of the question whether, because any necessity for diverting grain to "Hospital" elevators of Port Arthur and Fort William cannot be determined until after inspection in transit, such grain should not be exempted from the operation of clause 3 of the General Interswitching Order No. 4988, and made subject to the toll prescribed in clause 4 thereof, as, it is alleged, has hitherto been the practice of the railway companies. File No. 22969.

Board decided that no order was necessary.

4555. On the complaint of W. G. McMahon, of Winnipeg, against the Canadian Northern Railway Co., the railway companies will be required to show cause why shipments consigned to "order" should not be accepted by the companies for flag station destinations.

Order made that all railway companies subject to the jurisdiction of the board accept freight consigned "to order" for delivery at flag stations under provisions set forth in the order. See General Order No. 118.

4556. Consideration of item 8, page 4, of Supplement 2, to the Canadian Freight Classification No. 16, submitted for the approval of the board, proposing the rating of 6th class for elevator guides, iron or steel, in earloads. File 19367-18.

Order made that proposed Supplement 2 to Canadian Freight Classification No. 16 as finally revised and submitted for approval, be approved to become effective not later than January 20, 1914. See order 20967.

4557. Complaint of H. E. Knight, of Grand Forks, B.C., relative to alleged unfinished condition of the fencing on the line of the Spokane Falls and Northern Railway on his property on their line between Spokane and Grand Forks, B.C. File 9994-120.

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No action taken, railway company advising that the matter had been disposed of and that the company had undertaken to do the fencing.

4558. Complaint of P. R. Finlayson, of Okanagan Landing, British Columbia, relative to C.P.R. closing its crossing giving access to the railway station at that point. File 21905.

Referred to the board's engineer for investigation and report.

4559. Complaint of Wm. Neilson, of Fruitvale, B.C., that the Great Northern Railway Co. refuse to sell reduced fare tickets from stations where there are no agents. No order made. See judgment of chief commissioner at the hearing.

4560. Application of E. J. Evans, Lorne Creek, B.C., for an order directing the G.T.P. Ry. to construct a crossing on the line of railway near Doreen Station, B.C. File 3452-67.

No action taken. Matter satisfactorily arranged.

4561. Application of the municipality of Surrey, B.C., for an order directing the Great Northern Railway Company to enlarge their culvert on the Clover Valley road at Tynehead station, B.C. File 23172.

Order made directing the Great Northern Railway Company to construct an open ditch at the north side of its railway, as set forth in the order, the drainage of the land to the south of the track to be attended to by the municipality. See order 20902.

4562. Petition of the Barnes Estate, Ltd., and others protesting against the proposed action of the C.P.R. to abandon their present right of way through the town of Walhacin, B. C.

No order made as no application made by railway company for permission to move the station.

4563. Application of the corporation of the city of Port Moody, B.C., for an order directing the C.P.R. to construct a suitable crossing where the said railway company's railway crosses Moody street and remove the fences across Moody street on each side of its right of way, in the city of Port Moody, B.C. File 23259.

Application withdrawn.

4564. Application of the corporation of the city of Port Moody, B.C., for an order directing the C.P.R. to provide and maintain at its own cost, an electric alarm bell at Kyle street where the line of said railway crosses the street in the city of Port Moody, B.C. File 9437-1056.

Order made directing the C.P.R. Co. to install automatic bells at the crossing in question by the 4th May, 1914, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund and the balance to be paid by the railway company. Bells to be maintained at the company's expense. See order 21444.

4565. Application of the corporation of the city of Port Moody, B.C., for an order directing the C.P.R. to provide and maintain at its own expense an electric alarm bell at Queen street where the line of said railway crosses said street in the city of Port Moody, B.C. File 9437-1057.

Order made directing the C.P.R. Co. to instal automatic bells at the crossing in question by the 4th May, 1914, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund and the balance to be paid by the railway company. Bells to be maintained at the company's expense. See order 21444.

4566. Application of the Wellington Colliery Co. to cross the Esquimalt & Nanaimo Railway tracks at station 312-749 mile 5-29 of the Wellington Colliery Company's line. File 23079.

Order made granting the application subject to the terms and conditions set forth in the order, each of the companies to bear half of the cost of expense of maintaining the said crossing and half the expense of installing and maintaining a full interlocking plant. See order 20688.

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4567. Application of the Esquimalt & Nanaimo Railway for authority to cross the tracks of the Wellington Colliery Company at mile 40.55 of the extension of the E. & N. Ry. from McBride Junction to Courtney, B.C., at or near the Trent river, B.C. File 6052-38.

Order made granting the application, each company to bear half of the cost of constructing and maintaining the said crossing and the wages of the watchman. See order No. 20687.

4568. Application of the V. V. & E. Ry. and Navigation Co. under sections 178, 180 and 237, for authority to expropriate certain lands in the district of New Westminster, British Columbia, for the purpose of diverting Gunn road and Brunette road and providing an overhead crossing from its tracks at North road and for the purpose of its railway; and for authority to close portions of the said Gunn road and Brunette road.

And application of the municipality of Coquitlam, to prevent the V.V. & E. Ry. and Navigation Co. interfering with the North road. File 572-33.

Upon the report of the board's engineer it was decided that no order was necessary.

4569. Application of the Columbian Pulleys, Ltd., of Vancouver, B.C., for an order directing the express companies to extend their express delivery limits so as to include their factory at 18th and Fraser avenues, Vancouver, B. C. File 4214-142.

Application withdrawn.

4570. Application of the Central Convention of Farmers' Institute, dated Victoria, January 21-23, 1913, transmitted through the Department of Agriculture of British Columbia for the privilege of shipping mixed carloads of flour and feed (in sacks) and baled hay and straw at carload rates. File 23264.

Judgment reserved.

4571. Application of A. E. Burnett & Co., of Vancouver, B.C., for a permanent interswitching service between the Great Northern (V.V. & E. Ry.) and Canadian Pacific Railway Companies, at or near the Powell street crossing of the companies' lines in the city of Vancouver, B.C. File 6713-10.

Railway companies undertook to have the work completed in accordance with the plans filed by the 27th November.

4572. Complaint of the Great Northern Railway Company, relative to the C.P.R. Co., handling of shipment of fresh fish from Vancouver to Toronto and Montreal and refusal of the C.P.R. Co. to switch any more cars for the complainants. File 23212.

Judgment reserved.

4573. Application of the Dominion Express Company, for approval of delivery limits in the city of Vernon, B.C. File 4214-250.

Order made that until further order the tolls of the express company shall include collection and delivery of express freight in all thoroughfares reasonably passable for express waggons in that portion of the city of Vernon as set out in the order. See order 21059.

4574. Application of the Maple Ridge Board of Trade of Haney, B.C., for an order directing the C.P.R. to instal protection gates and gongs at railway crossing at Maple Ridge, B.C. File 9437-1059.

No order necessary.

4575. Application of the Port Hammond Board of Trade of Port Hammond, B.C., for an order directing the C.P.R. to instal protection at crossings (gates and gongs) at Port Haney, B.C. File 9437-1058.

Order made directing the C.P.R. Co. to instal an automatic bell at the said crossing and to maintain the same at its own expense, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund and the balance by the railway company. See order 21241.

4576. Application of the Port Hammond Board of Trade, of Port Hammond, B.C., for an order directing the C.P.R. to instal protection (gates and gongs) at railway crossings at Port Hammond, B.C. File 9437-1060.

Order made directing the C.P.R. Co. to instal an electric bell at the said crossing within 60 days from the date of the said order, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the balance by the railway company. See order No. 21831.

4577. Complaint of Maple Ridge Board of Trade, B.C., and the Port Hammond Board of Trade, Port Hammond, B.C., relative to matter of reducing week end fares to Vancouver, via the C.P.R. File 16093.

Order made refusing the application.

4578. Complaint of the Cowichan Ratepayers Association, Cowichan, B.C., relative to the delivery of damaged freight and milk cans at Hillbank station on the Esquimalt and Nanaimo Railway. File 22778.

No order necessary.

4579. Application of the city of New Westminster, B.C., for an order directing the V.V. & E. Ry. & Navigation Co. to pay the cost or so much of the cost as the board may direct of constructing concrete retaining wall 650 feet long in place of wooden cribwork between Columbia street and line of railway in front of penitentiary grounds, city of New Westminster, B.C. File 23279.

No order issued as no action necessary.

4580. Application of the Esquimalt and Nanaimo Railway for an order approving the crossing by a spur track of the railway at Cowichan lake of the road to the station at that point.

Order made granting the application. Detail plans to be filed.

4581. Application of the Esquimalt and Nanaimo Railway Company for an order approving construction across Campbell street in the city of Nanaimo of a spur track to the premises of the Nanaimo Pressed Brick and Terra Cotta Company.

Order made granting the application.

4582. Application of the Esquimalt and Nanaimo Railway Company to cross the railway of the Anderson Logging Company. File 22196.

Order made granting the application, crossing to be protected by an interlocking plant operated and maintained by the applicant company. See order No. 21421.

4583. Application of the residents of White Rock and Crescent, B.C., for an order that week end rates on the C.N.R. be kept in force for the whole year instead of for the summer months and that excursion rates be allowed on holidays from Vancouver and New Westminster to Crescent and White Rock. File 23303.

4584. Application of Council of Coquitlam, B.C., for station accommodation at Coquitlam, B.C. File 20750.

Order made approving of the location of the applicant company's station at Coquitlam, in the province of British Columbia, upon the conditions set forth in the order.

4585. Complaint of the United Farmers of Alberta on behalf of Mr. John Jones of Gainford, Alta., alleging that the C.N.R. Co., have failed to fence their line of railway in that district. File 9994-122.

Order made fixing penalty for non-completion of work unless company files with board by November 7, 1913, its consent to undertake to pay farmers for damages sustained by reason of destruction of their stock.

4586. Application of the C.P.R., under sections 222 and 237, for authority to construct a spur for the Northern Electric Manufacturing Company, Ltd., Calgary, Alta., from a point on existing spur in lane in block 70, subdivision of section 15-24-1 west 5th meridian, thence across lanes in lots 36, 37, 38, 39 and 40 in block 70, to and into the premises of the Northern Electric Manufacturing Company in lots 39 and 40 in block 70, subdivision of section 15-24-1, west 5th meridian, city of Calgary, Alta. File 21141.

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Order made refusing the application, but that the order authorizing the construction of the spur be not construed as giving effect to the consent in any way prejudicing the applicant from hereafter claiming that the company cannot construct the spur over the land without first taking expropriation proceedings.

4587. Application of the city of Calgary, Alta., under section 237, for an order directing the Canadian Pacific Railway Company to provide and construct suitable level crossing where the Calgary and Edmonton Railway intersects 32nd avenue, Calgary, Alta. File 22496.

Order made granting the application.

4588. Application of the Alberta Pacific Grain Co., Ltd., of Calgary, Alta., for an increased allowance for grain doors furnished in connection with ears of bulk grain by the C.N.R. Co. File 4106-10.

No action taken. Matter to be considered in connection with similar applications before the board.

4589. Application of city of Calgary under section 237 of the Railway Act for an order authorizing the city of Calgary to continue 34th avenue across the Calgary and Macleod Branch of the C.P.R. Co.'s tracks in city of Calgary by a level crossing. File 22495.

Order to go upon the city of Calgary obtaining land necessary for diversion of 6th street into 34th avenue across C.P.R. tracks. C.P.R. to be at the cost of constructing and maintaining the crossing. The diversion contemplated is to be made on the understanding that at no time will the city of Calgary attempt to open 6th street across the railway company's tracks.

4590. Petition of the Minburn Board of Trade and residents in that vicinity for an order directing the C.P.R. to maintain a station and agent at that point. File 20214.

No order made the railway company undertaking to have the work in connection with the platform finished within five or six days. The board's inspector to report on the question of housing of the freight.

4591. Complaint of Wm. Dives, of Independence, Alta., relative to condition of farm crossing on the northeast quarter of Dunvegan and British Columbia Railway. File 18903-36.

Order made for a farm crossing to be constructed by the railway company by the 21st November. The railway company to file proper plan showing the crossing.

4592. Complaint of the Board of Trade of St. Albert, Alta., relative to lack of freight shed at St. Albert on the C.N.R. and proper facilities for shipment of traffic from that point. File 20170.

Order made that the railway company file by the 11th November a plan in triplicate of a freight shed 30 feet by 40 feet, to be erected at St. Albert and to be erected within thirty days from the approval of the plan.

4593. Complaint of R.P. Cull, Fallis, Alta., against the G.T.R. using his land on the shore of Wabamun lake as right of way, also that the road crossing on the road allowance is not passable for teams. File 2236. Case 3851.

Struck off with leave to make application to have it replaced on the list.

4594. Application of the Board of Trade, Consort, Alta., for an order directing the C.P.R. to construct suitable crossings over their line of railway where it crosses the road allowance leading to their station and to the town of Consort, Alta. File 23014.

No order made. Applicants to take the matter up with the provincial authorities. After the provincial authorities have dealt with it, the board's engineer to make an inspection as soon as the road is in shape.

4595. Petition of the residents in the vicinity of Mayerthorpe, Alta., for an order directing the C.N.R. to build a siding on its Peace River branch somewhere between

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their crossing of the North Paddle river and section 1, township 58, range 9, west 5th meridian, Alberta. File 23243.

No order made as board has no jurisdiction to deal with the matter.

4596. Application of H. D. Thompson, Edmonton, Alta., for an order directing either the C.N.R., the G.T.P. or the C.P.R. to construct a spur line to serve the applicant in block 11, H.B.R., south of MacKenzie avenue, and north of Jasper avenue, city of Edmonton, Alta. File 22372-6.

Board directed that an order should go for the construction of the spur under section 226 of the Railway Act. Formal order not to issue until the applicant has had an opportunity of looking into the question of damages and notifying the board.

4597. Application of the corporation of the city of Edmonton, Alta., for an order under sections 151, 237 and 251 for the purpose of settling the terms upon which the Grand Trunk Railway Co. shall be entitled to use the north 40 feet of MacKenzie avenue instead of the south 40 feet thereof. File 2236-83.

Judgment reserved.

4598. Application of the corporation of the city of Edmonton, Alta., under section 237 for authority to construct a highway across the railway and yards of the Calgary and Edmonton Railway Co., within the limits of the city, for the purpose of opening up Peace avenue, across said railway, either by means of an overhead bridge or subway. File 22415.

Board finds and adjudges that the title of the railway company is sufficient and effective against the municipality and that the said highway be opened, such opening to be subject to the seniority of the railway company's title and construction.

4599. Application of corporation of city of Edmonton, Alta., under section 237, for leave to construct a highway across the railway and yards of the Calgary and Edmonton Railway within the limits of the city, for the purpose of opening up Athabasca avenue, across said railway, either by means of an overhead bridge or subway. File 22436.

Board finds and adjudges that the title of the railway company is sufficient and effective against the municipality and that the said highway be opened, such opening to be subject to the seniority of the railway company's title and construction.

4600. Application of the corporation of the city of Edmonton, Alta., under section 237, for authority to construct a highway across the G.T.P. Ry. for the purpose of extending Vermillion avenue across said railway for the purpose of connecting it with Stephen avenue and Twenty-first street. File 22983.

Application withdrawn.

4601. Application of Messrs. McGrath, Hart & Co., of Edmonton, Alta., for an order directing the express companies to extend their delivery limits to the east side of river lot 34, which is the eastern boundary of the city of Edmonton, Alta. File 4214-95.

Order made that the tolls of the express companies include the collection and delivery of express freight in all thoroughfares reasonably passable for express waggons in those portions of the city of Edmonton as set forth in the order. See order No. 21441.

4602. Application of the city of Edmonton, Alta., under sections 29 and 30, for an order directing the C.N.R. Co. and the G.T.P. Co. to use one set of double tracks from eastern boundary of the city to First street. File 16839.

Application stands, the parties to endeavour to reach a solution with the assistance of the board's engineer.

4603. Application of the C.N.R. Co. for authority to construct a branch line or spur for the Mountain Park Coal Co., Ltd., to cross 17th street in the city of Edmonton.

Order made granting the application.

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4604. Application of the C.N.R. for permission to construct a spur across Ehn avenue, Edmonton, to the premises of Messrs. Pray and McLennan, block 113, Parkdale subdivision, Edmonton. File 23400.

Company stated matter had already been dealt with in Ottawa, and that they expected to receive an order.

4605. Application of the city of Edmonton for an order under section 237 of the Railway Act for leave to construct a highway across the lines of the C.N.R. Co. and of the G.T.P. Co. for the purpose of opening up Morgan avenue, by means of a level crossing. File 23395.

No action taken. Matter stands at the request of the city of Edmonton. In the meantime the board's engineer to report.

4606. Application for a flag station or local train to stop by request between Tofield and Deville. File 19275.

Order made directing the Grand Trunk Pacific Railway Co. to file with the board within thirty days from the date of the order, plans showing the location of a station with a 60-foot platform at a point between Tofield and Deville at mile post 759 and a stock pen. Also directing that way freight and passenger trains other than through passenger trains stop at the said station. See order No. 21937.

4607. Application of the city of Edmonton for an order under section 237 of the Railway Act for leave to construct a highway across the lines of the C.N.R. Co. and of the G.T.P. Co. for the purpose of opening up Regent street by means of a level crossing. File 23397.

No action taken. Matter stands at the request of the city of Edmonton. In the meantime the board's engineer to report.

4608. Application of the Banner Coal Co. for repayment by C.N.R. Co. of amount paid by the applicant company for the construction of a spur. File 20252.

Judgment reserved; applicant's solicitor to submit for consideration in writing and furnish a copy to the solicitor for the C.N.R. Co.

4609. Application of the city of Edmonton for protection by gates and watchmen at First street, Namayo, Syndicate, and Alberta avenues crossing the C.N.R. and G.T.P. Railways, Edmonton, Alta. File 23420.

Order made directing the installation of gates at First street and at Namayo and Syndicate avenues, 20 per cent of the cost of construction to be paid out of the Railway Grade Crossing Fund, the balance to be borne by the railway companies; plans to be submitted by the 30th November, 1913, and work to be completed within three months after the plans have been approved by the board; gates to be maintained by the railway companies in equal proportions, the city to pay the wages of the watchmen, the gates to be operated day and night.

Gates to be installed at Alberta avenue, plans to be submitted by November 30, 1913, by railway company and gates to be installed within three months; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the remaining 80 per cent to be borne two-thirds by the railway companies and one-third by the city; the cost of maintenance and operation to be borne two-thirds by the railway companies and one-third by the city.

4610. Application of the city of Edmonton for protection by gates and watchmen at Whyte avenue crossing the tracks of the Canadian Pacific Railway, Edmonton, Alta. File 23418.

Gates to be installed and operated night and day, plans to be filed by the 30th November, 1913, gates to be installed within three months from the date of the approval of the plans; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund; of the remaining 80 per cent two-thirds to be paid by the Canadian Pacific Railway Company and one-third by the city. Cost of opera-

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tion and maintenance to be paid one-third by the city and two-thirds by the railway company.

4611. Application of J. S. Wiens, of Herbert, Sask., for an order directing the C.P.R. to provide a cattle pass on his property on southwest quarter of section 10-17-10 west 3rd meridian, Saskatchewan.

No order made.

4612. Application of the residents of the city of Moosejaw, Sask., for an order directing the C.P.R. to construct overhead bridge over Eighth avenue, Moosejaw Sask. File 16165.

Order made amending order 17206, July 25, 1912, by providing for a 30-foot roadway and for an extension sidewalk 6 feet in width to be placed on one side of the bridge, \$5,000 to be paid out of the Railway Grade Crossing Fund, and the remainder, 75 per cent to be paid by the C.P.R. and 25 per cent by the city of Moosejaw.

4613. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to delay by G.T.P. in completing its line to Moosejaw and the erection of station there. File 10863-62.

Judgment reserved.

4614. Application of the Board of Trade of Truax, Sask., for a better train service on the line of the C.N.R. Co. from Moosejaw southerly.

Referred to the board's chief operating officer to deal with with a view to securing better service for the applicants.

4615. In the matter of complaint of coal shippers being unable to ship coal into Calgary on the line of the G.T.P. Ry. Co., and also in the matter of an application for the installation of a transfer track between the Canadian Pacific Railway and the Grand Trunk Pacific Railway at Calgary. File 10821-92.

Matter to be taken up with the Government for temporary facilities.

4616. Application of the Verwood Board of Trade for a crossing over the tracks of the C.P.R. at Verwood, Sask. File 21476.

Matter to be taken up with other municipalities interested with a view of putting in a subway. If no arrangement made within three months order will go as recommended by the board's engineer. Board of Trade to take the matter up with parties interested and the C.P.R. Company is to allow crossing to remain and to put up a crossing sign.

4617. Complaint of the rural municipality of Blucher, No. 343, Bradwell, Sask., respecting the G.T.P. crossing in township 34, ranges 1 and 2, west of the 3rd meridian, as outlined in the order. See order No. 21508.

Order made directing the G.T.P. Railway Co., at its own expense to make certain changes in the highway crossings in township 34, ranges 1 and 2, west of the 3rd meridian, as outlined in the order. See order No. 21508.

4618. Application of the town of Forward, Sask., for an order directing the C.P.R. to furnish a station, telegraph service, etc., at that point. File 6713-28.

4619. Application of the rural municipality of Keyes No. 303 for an order directing the C.N.R. to construct a crossing between sections 25 and 26-33-1 west 2nd meridian on their Thunder Hill branch. File 5167-46.

Order made granting the application.

4620. Application of H. L. Manchester, Rosetown, Sask., for an order directing the C.N.R. to construct a spur track leading from the C.N.R. line in the town of Rosetown, Sask. File 6713-39.

Application dismissed.

4621. Complaint of J. W. Newman, Belle Plains, Sask., relative to condition of planking in the road crossing between Regina and Moosejaw, on the line of the C.P.R. File 9558-14.

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Board decided that no order was necessary at present. The board's engineering office to watch the work and advise if any necessity arises that would warrant the issuing of a formal order.

4622. Application of the C.P.R. for an order relieving it from maintaining a watchman at the crossing known as Anderson street crossing west of the station building at Grenfell, Sask., required by order of the board No. 18705, dated February 14, 1913.

NOTE.—The board will consider the question as to whether in view of the expense involved in connection with watchmen that protection be changed to a bell. File 9437-979.

Order made refusing the application, directing that order 20018, dated August 14, 1913, be amended, and apportioning the cost of maintenance as follows: 60 per cent to be borne by the C.P.R. Co., and 40 per cent by the municipality of the township of Grenfell.

4623. Complaint of E. D. Sworder, Balcarres, Sask., that the G.T.P. Branch Lines Co. have failed to pay penalty of \$25 per day under order of the board No. 16559, in connection with the condition of crossings and road provided and constructed by the railway in section 8-21-12 west 2nd meridian, Saskatchewan. File 18341.

No action necessary, the matter having been settled between the parties.

4624. Application of the rural municipality of Sherwood, Sask., in regard to highway crossing over the C.P.R. in line with Broadway, Dominion Heights, Regina, Sask.

NOTE.—This matter is set down to afford the applicants an opportunity of replying to the railway company's answer and of presenting such representations as they desire to make. File 22207.

Application withdrawn.

4625. Application of the Board of Trade, Carlyle, Sask., for an order directing the C.P.R. and C.N.R. to construct a transfer track connecting their lines of railway at Carlyle, Sask. File 12562.

Judgment reserved. Applicant to file further information and to serve copies upon the C.N.R. and C.P.R. Companies.

4626. Application of the C.P.R., under sections 159 and 237 for an order approving location of its Asquith to Conquest branch from a point on Pheasant Hills branch near Asquith for 41.62 miles to point near Conquest on the Moosejaw northwest branch and for an order authorizing the applicant company to construct across highways from mile 0 to 41.62. File 18031-1.

The board decided that the railway was not to be built along the highway and that the C.P.R. file a plan showing a new location.

4627. Complaint of the Board of Highway Commissioners for the province of Saskatchewan on behalf of rural municipality No. 65, Stoughton, Sask., relative to the C.P.R. crossing on the road allowance between sections 21 and 22-9-9 west 2nd meridian, never having been opened for traffic. File 23146.

No order to be made until the municipality advises the board that it has done the work or will undertake to do so.

4628. Application of the city of Regina for an order to amend order No. 19506, dated June 7, 1913, authorizing the city to cross with its municipal railway the C.N.R. at rail level at Fourth avenue, between McIntyre street and Lorne street, where it is necessary to cross two commercial spurs of the railway company and the main line of the company running north and west. File 22240.

Order made amending order No. 19506 by substituting plan marked "A," dated 2nd September, 1913, for plan dated March 24, 1913, approved by said order. See order 20813.

4629. In the matter of the application of W. D. Stacy, of Chinook, Alta., regarding a depot agent, etc., at Chinook.

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C.N.R. to advise the board as soon as the line has been in operation for three months and to furnish a statement of the traffic.

4630. Complaint of the Board of Trade of Fort Qu'Appelle, Sask., regarding station facilities on the line of the G.T.P. Ry. at Fort Qu'Appelle. File 22349.

Referred to the board's operating department to investigate and report upon.

4631. Petition of the residents and council of Yorkton, Sask., for a subway at Third avenue.

This matter is set down to enable the C.P.R. Co. to show cause why a watchman has not been placed at the Broadway crossing as directed by the board on the 29th of May, 1913. File 9437-902.

Crossing at Broadway street to be protected by watchmen, hours to be fixed by the board's engineer who is also to report on the question of installing gates; 60 per cent of the wages of the watchman to be paid by the railway and 40 per cent by the township of Yorkton.

4632. Application of Thos. Mathieson of Forester's Falls, Ont., for an order directing the C.N.O.R. Co. to construct for him a passageway for live stock under their line of railway across the north half of lot 12, concession 19, township of Ross, Ontario. File 3561-184.

Estimate of the cost to be prepared by the Canadian Northern and sent to the board.

4633. Application of the Ontario and Quebec Ry. Co. (C.P.R.) under section 178, for authority to expropriate certain lands in lot 7, concession A and lot 15, first meridian concession, township of Etobicoke, Ontario, said lands to be used in connection with enlarging the station yards at Islington, Ont. File 23209.

Order made directing that an order should go granting the C.P.R. Company's application upon condition that at its own expense it moves the Power Company's poles to a location to be determined by the electrical engineer of the board and acquires for the Power Company a piece of property south of its present right of way, of the same width and length as that applied for. See judgment of Assistant Chief Commissioner, Appendix "C."

4634. Application of the county of Carleton, Ontario, for an order rescinding order No. 17199, dated August 12, 1912, in connection with the crossing of the C.N.O. Railway between concessions 3 and 4, township of March, or for a totally new order approving of an underground crossing on the opposite side of the road across land already owned by the railway company. File 3561-99.

The board decided not to vary the order already issued in this matter. See judgment of Assistant Chief Commissioner Scott, Appendix "C."

4635. Application of the C.L.O. & W. Ry. Co., under section 237, for authority to construct its railway across Prospect, Albert, Simcoe and Centre streets, in the town of Oshawa, Ont. (Rehearing.) File 3701-176.

Board directed the C.P.R. Co. to proceed in connection with the plans approved by the board, dated 1st September, 1913. See judgment of Assistant Chief Commissioner, Appendix "C."

4636. Application of the C.P.R. Co., under section 237, for authority to construct bridge No. 92-7 Toronto Subdivision Ontario division of its railway Don Viaduct, near Donlands, in the county of York, Ontario. File 22262-5.

Order made granting the application, subject to conditions set forth in order. See order 20827 and amending order No. 20966.

4637. Complaint of the municipal council of the rural municipality of Archie, Man., relative to refusal of C.P.R. to construct a switch at a point between section 25-14-29 and 30-14-28, near McAuley, Man. File 23058.

Order made directing the C.P.R. Co. to construct a grain loading siding 400 feet long at the point in question, work to be completed by 1st September, 1914. See order 21132.

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4638. Complaint of the rural municipality of Hillsburg, Man., relative to alleged lack of fencing on the line of the C.N.R. in townships 25 and 26, range 27, west 1st meridian, Manitoba, in Riding Mountain Forest reserve and said municipality. File 9434-114.

No order made as the work has been completed.

4639. Application of the municipal council of the town of Carman, Man., for an order directing the C.N.R. to provide gates or other protection at its crossing over Fournier avenue in town of Carman, Man. File 9437-1049.

Order made directing that the trains of the Canadian Northern Railway Co. be brought to a stop before proceeding to cross Fournier and Browning avenues, and to operate over such crossings at a speed not exceeding four miles an hour. See order 20862.

4640. Application of the town of Carman, Man., for an order directing the C.N.R. to place gates or other protection on Browning avenue, in the town of Carman, Man., where said railway crosses. File 9437-1050.

Order made directing that the trains of the Canadian Northern Railway Co. be brought to a stop before proceeding to cross Fournier and Browning avenues, and to operate over such crossings at a speed not exceeding four miles an hour. See order 20862.

4641. Application of Maulson & Harrison, Minnedosa, Man., for an order directing the C.N.R. to reinstate road allowance between sections 11 and 12-19-24 or for satisfactory diversion across Mr. A. Forde's property in Rosburn, Man. File 660-72.

Order made directing the railway company to divert the road allowance from a point north of its railway to a farm crossing. Company to submit a plan for approval by an engineer of the board and the municipality to provide the necessary right of way upon payment to it by the railway company of \$200. See order 20093.

4642. Complaint of the municipality of Strathclair, Man., relative to alleged dangerous condition of crossings over the C.N.R. in that district between sections 5 and 8-18-21 and in section 8-18-21 west 1st meridian, Manitoba. File 660-71.

Board directed that crossings be brought up to standard. Engineer to report after construction as to whether they are dangerous and as to what protection is necessary.

4643. Complaint of the municipality of South Cypress, Man., against the removal by the C.P.R. of the crossing in section 10, township 7, range 14, west 1st meridian, at the east end of Glenboro Yards, Glenboro, Man. File 23044.

Referred to the board's chief operating officer for inspection and report.

4644. Complaint of the shippers of the village of Sleeman, Ont., relative to alleged car shortage by C.N.R. at that point. File 18705-46.

Order made. Board's inspector to report upon the question of the train service raised at the hearing.

4645. Application of the Winnipeg Sandstone Brick Co., Ltd., for approval of spur crossing Pembina street from C.N.R. siding on east side of the railway work shops to the Winnipeg Sandstone Brick Co., Ltd., on the opposite side of Pembina street. File 22434.

4646. Application of Thos. D. Robinson & Sons, Ltd., of Winnipeg, Man., for an order directing the C.P.R. to construct a branch line of railway from their Beach Line to the premises of the applicant in the city of Winnipeg, Man. File 22318-9.

Orders withheld for ten days. City of Winnipeg to file its objections by the 15th November.

4647. Application of the C.N.R. for authority to cross Godfrey street, Winnipeg, Man., with its Oak Point branch. File 10131.

Order made authorizing the extension of Godfrey avenue, across the tracks of the

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Canadian Northern Railway Co., crossing to be maintained at the expense of the railway company. See order 20867.

4648. Consideration of the matter of protection at the crossing of the C.P.R. at Talbot avenue, Winnipeg, Man. File 9437-279.

Board directed that an order should go providing for the installation of gates to be operated by day and night watchmen, the question of cost reserved.

4649. Application of the rural municipality of Fort Garry, Man., for an order directing the C.N.R. to provide a proper and suitable subway under its tracks where it crosses Pembina highway, Winnipeg, Man. File 20311-1.

G.T.P. to have the right to file an application for construction from their tracks as shown on the plan of proposed possible connection. The matter to be dealt with on written submissions without further hearing. G.T.P. Ry. to advise board what it will do by November 20.

4650. Application of the city of Winnipeg, Man., for an order directing the C.P.R., to take up and remove from and off Selkirk avenue in the city of Winnipeg, a certain spur track which connects with the Selkirk line of the C.P.R. immediately north of Selkirk avenue, into the Exhibition grounds, and to connect said spur with the said Selkirk line of the C.P.R. south of Selkirk avenue. File 23122.

4651. Application of the city of Winnipeg, Man., under sections 50 and 269, for an order directing the C.P.R. and G.T.P. to equip each locomotive steam engine with appliance to prevent the unnecessary and unreasonable emission of smoke therefrom and to prescribe under what regulations each locomotive steam engine shall be operated so as to prevent the air being fouled. File 9346. Case 4489.

No order made. Referred to the board's chief operating officer for report.

4652. Application of the Canadian Manufacturers Association for a rate of 10 cents per hundred pounds on pig iron, carloads, from Fort William, and Port Arthur, to Winnipeg, Man. File 18755-12.

Judgment reserved.

4653. Application of the rural municipality of Fort Garry, Man., for an order directing the C.N.R. to construct and maintain a proper and suitable street crossing over the tracks of the said railway company where the same crosses Waller avenue in the said municipality. File 23261.

Order made granting the application.

4654. Application of the rural municipality of Fort Garry, Man., for an order directing the C.N.R. to construct and maintain a proper and suitable crossing over their tracks across Chevrier boulevard in the said municipality. File 23262.

Order made granting the application.

4655. Application of the rural municipality of Fort Garry for an order directing the C.N.R. to construct a suitable culvert under the tracks of the said railway company at Waller avenue in said municipality. File 23260.

Order made granting the application. Culvert to be constructed at the expense of the municipality of Fort Garry.

4656. Application of the rural municipality of Fort Garry, Manitoba, for an order directing the C.N.R. to construct a suitable crossing over the tracks of the said railway company where the same crosses Southwood avenue in said municipality. File 23263.

Order made granting the application.

4657. Application of the C.N.R. Co. under sections 237 and 178 for authority to divert rue Verandrye in the city of St. Boniface, Man., and to take for the purpose of such diversion parts of lots 572 and 574, D. G.S. 76, plan 224, of said city, the property of Mr. G. A. Gareau. File 23255.

Order made authorizing the applicant company to divert rue Verandrye in the city of St. Boniface and to take certain parts of the lots as therein set forth. See order, January 7, 1914. Order No. 20808, November 13, 1913, rescinded.

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4658. Complaint of John Geddes regarding dangerous condition of Grand Trunk level crossing over three tracks at Amelia street, Fort Rouge. File 9437.1074.

Order made limiting the operation of the G.T.P. Company's trains over the said crossing to a speed not exceeding 10 miles an hour. See order No. 21225.

4659. Complaint of E. Martino Zentil, of Dryden, Ont., relative to refusal of the C.P.R. to provide him with a spur to serve his brickplant. File 22754.

Order made directing the C.P.R. Co. to construct spur capable of accommodating six cars, and to have a pulling grade of at least one-half per cent from the main line as shown on the plan filed with the board. Work to be completed within three months from the date of the deposit of the sum required to be deposited by the applicant to cover the cost of construction. See order No. 22432.

4660. Application of the C.N.R. under sections 222, 227, and 237, for authority to construct a spur from its line of railway in lot 82, block 34, across block 35, and along Hester street to Fort street, and to cross with such spur Inchiquin, Algoma, Ontario, High, Winnipeg, and Fort streets and the Port Arthur and Fort William Electric Street Railway Company on Algoma street in city of Port Arthur, Ont. File 22950.1.

Order to go subject to the terms being arranged between the parties.

4661. Application of the G.T.P. Ry. under sections 222, 237 and 257 for authority to construct a double track branch line or spur turning out from its line on Empire avenue northerly along private right of way formerly James street to William street, thence easterly to Thunder Bay, Fort William, Ont. (Adjourned hearing.) File 22317.1.

Application refused. Referred to the board's engineer to take the matter up with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4662. Application of the G.T.P. Co. under section 237 for an order authorizing the construction of its proposed spur in William street, Fort William, Ont., across the Port Arthur and Fort William railway. (Adjourned hearing.) File 22317.3.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4663. Application of the G.T.P. Ry., under section 227, for authority to construct a spur on William street, Fort William, Ont., across the line of the C.N.R. (main line). (Adjourned hearing.) File 22317.4.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4664. Application of the city of Fort William, Ont., under sections 227, 235 and 243, for an order permitting the city to cross the tracks of the C.P.R., C.N.R. and G.T.P. Ry. with its street railway where such tracks cross Heath street and Montreal street in the city of Fort William, Ont., and for an order repealing or amending order No. 11320 and for an order to compel the said railway companies to provide protection at all of the highway crossings of said railways aforesaid on Heath street and Montreal street and in each case to proportion the costs of construction and maintenance thereof among the interested parties. File 22479.

Board's engineer to take the matter up with the engineers of the parties interested with a view of ascertaining whether an overhead bridge or a subway should be constructed. After his report is received the board will deal with the matter.

4665. Application of the Fort William Board of Trade for an order directing the C.N.R. Co. to construct in that city a depot suitable for the proper transaction of its freight and passenger business in keeping with the growth and development of that city. File 5791.

Judgment reserved; board's engineer to report in the matter.

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4666. Application of the Mount McKay Pressed Brick Co., under section 226, for an order directing the G.T.P. Co. to construct a spur from its line of railway on the south side of the Kaministiquia river to the factory and plant of the applicant company, and for an order under section 227 for authority to cross the highways and the street car tracks of the street railway of the city of Fort William which is in portion along one of the said highways. File 22317-10.

Order made granting the application, subject to conditions set forth in the order. See order 20879.

4667. Application of the C.P.R. Co. under section 237 for authority to construct bridge No. 92-7 on the Toronto subdivision, Ontario division, Don viaduct, near Donlands, Ont. File 22262-5.

Order made authorizing the applicant company to take part of lot No. 2, and part of lot No. 3, in the 3rd concession from Yonge street in the township of York, in connection with this application. See order 20828. See also judgment of Assistant Chief Commissioner dated 12th November, 1913.

4667½. In the matter of the order of the board No. 18825, dated March 5, 1913, made upon the application of the Simcoe Fruits, Ltd., and the Fruit Growers' Association of Ontario, directing, *inter alia*, that railway companies subject to the jurisdiction of the board, re-establish the arrangement formerly in effect under which apples were carried to concentration points for storage, inspection, or for completion of carloads and reshipments, subject to certain conditions, at a reduction of one-third from the local tariff rates, to the concentration points; and the question raised by the C.P.R. Co. as to the power of the board to make the direction referred to.

NOTE.—The board will consider the question of jurisdiction raised. File 19666.

Judgment reserved.

4668. Complaint of John Mason, Plenty, Sask., with reference to the C.P.R. running spur track through his quarter section in southwest quarter section 2-33-19 west third meridian, and using part of his land to obtain water without obtaining his consent or giving him any settlement for same. File 22810.

Referred to Mr. Selanders, of Saskatoon, to fix the amount complainant should receive. Railway company to pay for his services.

4669. Application of the rural municipality of Hillsburg, No. 269, Saskatchewan, for an order directing the C.N.R. to construct a public crossing over their tracks immediately west of the west switch D'Arcy yards, D'Arcy, Sask. File 22654.

Order made granting the application. See order 20894.

4670. Application of the Board of Trade, Humbolt, Sask., for an order directing the C.N.R. and G.T.R. to provide interswitching facilities between their lines of railway near Dana, Sask. File 6713.46.

Order made directing the railway companies to construct, maintain and operate a transfer track near Dana, Sask., subject to the conditions set forth in the order. See order 20844.

4671. Application of the Boards of Trade of Youngstown, Oyen, Chinook and Hanna, Alta., for an order requiring the C.N.R. to instal its passenger service on its line west of Alsask, Sask. File 5891-100.

Order made that the C.N.R. Co. furnish a daily passenger service on its line of railway west of Alsask, service to be put in effect not later than 10th November, 1913. See order 20878; also order 21314.

4672. Application of J. S. Wiens of Herbert, Sask., for an order directing the C.P.R. to provide a cattle pass on his property on southwest quarter of section 10-17-10 east 3rd meridian, Saskatchewan. File 22689.

No order made.

4673. Application of the residents of Moosejaw, Sask., for an order directing the C.P.R. to construct overhead bridge over Eighth avenue, Moosejaw, Sask. File 16165.

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Order made amending order 17206, July 25, 1912, by providing for a 30-foot roadway and for an extension sidewalk 6 feet in width, to be placed on the side of the bridge, \$5,000 to be paid out of the Railway Grade Crossing Fund and of the remainder, 75 per cent to be paid by the C.P.R. and 25 per cent by the city of Moosejaw.

4674. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to delay by G.T.P. in completing its line to Moosejaw and the erection of station there. File 10863-62.

Board decided that no further order was necessary as it appeared that there had been no congestion.

4675. In the matter of complaint of coal shippers being unable to ship coal into Calgary on the line of the G.T.P. Railway; and also in the matter of an application for the installation of a transfer track between the Canadian Pacific Railway and the Grand Trunk Pacific Railway at Calgary. File 10821-92.

Matter to be taken up with the Government for temporary facilities.

4676. Application of the Verwood Board of Trade for a crossing over the tracks of the Canadian Pacific Railway at Verwood, Sask. File 21476.

Matter to be taken up with the other municipalities interested with a view of putting in a subway. If no arrangement made within three months, order will go as recommended by the board's engineer. Board of Trade to take the matter up with parties interested, and the C.P.R. Co. is to allow crossing to remain and to put up a crossing sign.

4677. Complaint of the rural municipality of Blucher, No. 343, Bradwell, Sask., respecting the G.T.P. crossing in township 34, ranges 1 and 2, west of the 3rd meridian, Bradwell, Sask. File No. 6744, Case 2856.

Order made directing the G.T.P. at its own expense to make changes in the highway crossings in township 34, ranges 1 and 2, west of the 3rd meridian, as set forth in the order. See order 21508.

4678. Application of the rural municipality of Keyes, No. 303, for an order directing the C.N.R. to construct a crossing between sections 25 and 26-33-1, west 2nd meridian, on their Thunder Hill branch. File 5167-46.

Order made granting the application.

4679. Application of H. L. Manchester, Rosetown, Sask., for an order directing the C.N.R. to construct a spur track leading from the C.N.R. line of the town of Rosetown, Sask. File 6713-39.

Application dismissed.

4680. Complaint of W. J. Newman, Belle Plains, Sask., relative to the condition of the planking in the road crossings between Regina and Moosejaw on the line of the C.P.R. File 9558-14.

No order made, board's Engineering Department to keep track of the work and advise if there is any necessity to issue a formal order.

4681. Application of the C.P.R. for an order relieving it from maintaining a watchman at the crossing known as Anderson street crossing west of the station building at Grenfell, Sask., required by order of the board No. 18705, dated February 14, 1913.

NOTE.—The Board will consider the question as to whether in view of the expense involved in connection with watchman, that protection be changed to a bell. File 9437-989.

Order made refusing the application, directing that order 20018, dated August 14, 1913, be amended, and apportioning the cost of maintenance as follows: 60 per cent to be borne by the C.P.R. Co., and 40 per cent by the municipality of the township of Grenfell.

4682. Complaint of E. D. Swarder, Balcarres, Sask., that the G.T.P. branch lines have failed to pay penalty of \$25 per day under order of the board No. 16559 in

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connection with the condition of crossings and road provided and constructed by the railway in sections 8-21-12, west 2nd meridian, Sask. File 18341.

No action necessary, the matter having been settled between the parties.

4683. Application of the rural municipality of Sherwood, Sask., in regard to highway crossing over the C.P.R. in line with Broadway, Dominion Heights, Regina, Sask.

NOTE.—This matter is set down to afford the applicants an opportunity of replying to the railway company's answer and of presenting such representations as they desire to make. File 22207.

Application withdrawn.

4684. Application of the Board of Trade of Carlyle, Sask., for an order directing the C.P.R. and C.N.R. to construct a transfer track connecting their lines of railway at Carlyle, Sask. File 12562.

Order made amending order No. 19506, by substituting plans dated September 2, 1913, for plan dated 24th March, 1913. See order 20813.

4685. Complaint of the Board of Highway Commissioners for the province of Saskatchewan, on behalf of the rural municipality No. 65, Stoughton, Sask., relative to the C.P.R. crossing on the road allowance between sections 21 and 22-9-9, west 2nd meridian, never having been opened for traffic. File 23146.

No order to be made until the municipality advises the board that it has done the work or will undertake to do so.

4686. Application of the city of Regina for an order to amend order No. 19506, dated June 7, 1913, authorizing the city to cross with its municipal railway the C.N.R. at rail level at Fourth avenue between McIntyre street and Lorne street, where it is necessary to cross two commercial spurs of the railway company at the main line of the company running north and west. File 22240.

Order made amending order No. 19506 by substituting new plan. See order 20813.

4687. Application of the G.T.P. Ry. under section 227, for an order authorizing the construction of its proposed spur on William street, Fort William, Ont., across the line of the C.P.R. (Adjourned hearing.) File 22317-2.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4688. Application of the G.T.P. Ry. under section 237, for an order authorizing the construction of its proposed spur in William street, Fort William, Ont., across the Port Arthur and Fort William railway. (Adjourned hearing.) File 22317-3.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4689. Application of the G.T.P. Ry. under section 227, for authority to construct a spur on William street, Fort William, Ont., across the line of the C.N.R. (main line). (Adjourned hearing.) File 22317-4.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4690. Application of the city of Fort William, Ont., under sections 227, 235 and 243, for an order permitting the city to cross the tracks of the C.P.R., C.N.R., and G.T.P. Railway with its street railway where such tracks cross Heath street and Montreal street in the city of Fort William, Ont., and for an order repealing or amending order No. 11330, and for an order to compel the said railway companies to provide protection at all of the highway crossings of said railways aforesaid on Heath street and Montreal streets, and in each case to proportion the costs of construction and maintenance thereof among the interested parties. File 22479.

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Stands at the request of the city of Fort William. Board's engineer to take the matter up with the engineers of the parties interested with a view to ascertaining whether an overhead bridge or a subway should be constructed.

4691. Application of the Fort William Board of Trade for an order directing the C.N.R. Co. to construct in that city a depot suitable for the proper transaction of its freight and passenger business in keeping with the growth and development of that city. File 5791.

Judgment reserved.

4692. In the matter of the order of the board No. 18825, dated March 5, 1913, made upon the application of the Simcoe Fruits Ltd., and the Fruit Growers' Association of Ontario, directing *inter alia*, that railway companies subject to the jurisdiction of the board re-establish the arrangement formerly in effect under which apples were carried to concentration points for storage, inspection or for completion of carloads and re-shipments, subject to certain conditions, at a reduction of one-third from the local tariff rates, to the concentration points, and the question raised by the C.P.R. Co. as to the power of the board to make the direction referred to.

NOTE.—The board will consider the question of jurisdiction raised. File 19666.

4693. Application of the Canadian Manufacturers Association for a rate of 10 cents per hundred pounds on pig iron carloads, from Fort William and Port Arthur to Winnipeg, Man. File 18755-12.

No action taken.

4694. Application of the G.T.R. Co. under section 258, for approval of location and detail plans of its station at Rideau, Ont.

NOTE.—This matter has been set down for the purpose of hearing the objections of Mr. Ed. Cunningham, to the location of the station as authorized by order No. 19609, dated June 13, 1913. File 21221.

Application refused.

4695. Application of the corporation of the city of Toronto, Ont., for an order for the removal of the poles of the Toronto and Niagara Power Company on St. Clair avenue, Toronto, Ont. File 23470.

Application granted in so far as it relates to the removal of the poles in question.

4696. Application of the corporation of the city of Toronto, Ont., for an order making such change in the plans of the C.P.R. for their station at North Toronto as will necessarily follow from the widening of Yonge street at that point by the addition to the east side thereof of a strip of land 20 feet in width. File 20558.

Judgment reserved.

4697. *Re* general order No. 107, dated July 4, 1913, covering Fire Regulations.

NOTE.—The C.P.R. Co. will be required to explain why it has neglected to comply with the provisions of Regulation 14 of general order No. 107, in regard to its eastern lines. File 4741-F-11.

No action taken, and no order necessary.

4698. Application of the McKellar Townsite Company, Ltd., under section 237, for an order directing the C.P.R. to provide and construct a suitable highway crossing where the company's railway intersects Second avenue, lot 28, and part lot 27, concession 1, Ottawa front, township of Nepean, Ontario. Plan M. 29. File 23388.

Application refused, as the Townsite Co. are not the proper parties to make the application. Municipality will have to apply to the board.

4699. Application of the Edmonton City Dairy for an order requiring the Dominion Express Company, under rule 3 of the Company's Special Cream Tariff C.R.C. 4139, to refund 5 cents per can on their consignments to Edmonton between the effective dates of the said tariff, viz., October 15, 1912, to September 17, 1913, inclusive, applicants being outside of the delivery limits and no delivery service having therefore been furnished. File 4214-219, part 2.

Judgment reserved.

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4700. Consideration of the protest of the Toronto Board of Trade against the abrogation of the interwarehouse arrangement for completion of earload shipments of grain and the suspension of order of the board No. 20584, dated October 16, 1913. File 23235.

Judgment reserved.

4701. The C.P.R. Co. will be required to justify the increase in the minimum weights on potatoes and turnips as shown in Supplement No. 11 to C.R.C. No. E 1629. An increase allowed to 30,000 pounds.

4702. Consideration of the question of future practices of railway companies regarding cartage service. File 18663.

Referred to the board's chief traffic officer to confer with the shippers representatives and the railway companies.

4703. Complaint of the Medico-Chirurgical Society of Montreal, Que., against the discontinuance on the 1st of February, 1913, of the reduced tolls previously granted by the Bell Telephone Company to physicians within the limits of the Montreal Exchange, subject to completion of then existing contracts. File 3574-110.

Application refused. See judgment of Assistant Chief Commissioner, Appendix "C."

4704. Complaint of the Eastern Townships Lumber Company of Sherbrooke, Que., against the proposed increase in pulpwood rates from points on the Temiscouata Railway to Rivière-du-Loup, Que., as published in Temiscouata Railway Company's tariff C.R.C. No. 217 suspended by the board under order dated December 2, 1913. File 23123-1.

Order made that effective dates of Special Commodity Tariff, C.R.C. No. 217, and the Joint Freight Tariff, C.R.C. No. 221, of the Temiscouata Railway Company, become effective the 15th day of August, 1914. Order No. 21105 rescinded. See order No. 21269.

4705. Application of the town of Chateauguay, Que., for an order directing the New York Central and Hudson River Railroad Company to make commutation (ten-trip) tickets between Chateauguay and Montreal, Que., good for one year. File 23543.

Order made refusing the application. See order No. 21169.

4706. Complaint of Geo. Pepper, Toronto, Ont., against the charges assessed by the C.P.R. Co. on one horse from Jacques Cartier Junction to Westmount, Que. File 6713-51.

Complaint withdrawn.

4707. Complaint of the Rev. J. P. Desrosiers, *et al*, of Ville St. Pierre, P.Q., against the action of the Grand Trunk Railway Company in leaving cars of dynamite standing for a considerable length of time on its Blue Bonnets siding, near the limits of the above town. File 1717-7.

Judgment reserved. Board's engineer to inspect and report.

4708. Application of the corporation of the village of Princeville, Que., for an order directing the Grand Trunk Railway Company to provide a public highway crossing about 1,050 feet west of the station at Princeville, Que. File 21353.

Order made refusing application. See order 21251.

4709. Application of the municipalities of Ste. Anne de Bellevue and the village of Senneville, Que., for an order directing the G.T.R. and C.P.R. to construct at their cost and expense, a suitable subway under their existing double main line tracks at or near a point immediately west of the west end of the passenger platform of the C.P.R. Co.'s station at Ste. Anne de Bellevue, Que. File 9437-1044.

Order made directing the G.T.R. Co. to construct a subway under its tracks at or near a point immediately west of the west end of the passenger platform of the C.P.R. Company's station at Ste. Anne de Bellevue; 20 per cent of the cost, not exceeding \$5,000, to be paid out of the Railway Grade Crossing Fund, the remainder, 15 per cent by the municipality of Ste. Anne de Bellevue, 15 per cent by the muni-

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cipality of Sennevine, and 70 per cent by the G.T.R. C.P.R. also to construct a subway under its track on same terms. See order 21313.

4710. Complaint of R. C. Jamieson & Co., Ltd., and the Consumers Cordage Co., Ltd., of Montreal, Que., relative to annoyance and inconvenience caused by the C.P.R. engines in moving and switching freight cars on St. Patrick street in and out of the Island Street yard and to other industrial sidings east thereof, on the "Lachine Canal" South Bank branch. File 1088, part 2.

Application withdrawn.

4711. Complaint of Henri Latour and Raoul Latour of St. Jerome, Que., that the C.P.R. Co. is not complying with order No. 16862 regarding the stopping of mail train at Lesage flag station, Que. File 16717.

No order made. No further action necessary.

4712. Consideration of the matter of protection at the level crossing of the Canadian Northern Quebec Ry. Co. at Culliver street, Hochelaga ward, Montreal, Que. File 9437.1027.

Order made directing the railway company to instal gates at the said crossing, gates to be installed and in operation before the 1st July, 1914. 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance by the railway company, 30 per cent of the cost of maintenance to be borne by the city the balance by the railway company. See order 21235.

4713. Application of the Canadian Northern Montreal Tunnel and Teruinal Company, Ltd., under section 167, for sanction and approval of the revised location of its tunnel line from the water to the junction with the main line in the city of Montreal, Que. File 18588.31.

Order made authorizing the applicant company to acquire the lands of Mrs. H. B. Rainville. Order No. 20899, dated November 27, 1913, rescinded. See order 21286.

4714. Complaint of Jas. McDonnell, of Montreal, Que., against the alleged lack of protection at the level crossing of the Canadian Northern Quebec Railway Company at Bonnett street, Maisonneuve, Que. File 9437.1067.

Order made that the crossing in question be protected by a pair of gates to include the C.N.Q. and the Montreal Terminal Railways. Gates to be operated by day and night watchmen. Plans to be submitted by March 11, 1914; 20 per cent of cost of installing to be paid out of the Railway Grade Crossing Fund, balance to be borne, one-half by the C.N.Q. and one-half by the Montreal Terminal Railway. Work to be completed by June 1, 1914. See order No. 21950.

4715. Application of the Montreal Tramway's Company, for reconsideration of order No. 19956 approving of plan of C.N.Ry. Co. showing structure to be erected where it crosses with its lines and tracks the lines and tracks of the Montreal Park and Island Railway at Sault aux Recollet, Que. File 2342.73.

Order made amending order No. 16973, dated July 9, 1912, and rescinding order 19956, dated August 2, 1913. See order No. 21249.

4716. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across the public road between lots 78 and 80, parish of St. Eustache, county of Two Mountains, at station 1846-80. File 2342.34.

Referred to the board's engineer to report on. C.N.R. company to submit plans of the subway.

4717. Complaint of the Brotherhood of Locomotive Engineers relative to Bulletin No. 234 issued by the G.T.R. Co. in connection with yard-limit boards at Algonquin Park, Ont. File 4135.24.

Order made that the yard-limit boards at Algonquin Park be discontinued by the 12th May, 1914, provided that if the G.T.R. desires to discontinue the use of locomotive whistles at that station, it should, by the 2nd April, file plan for approval of the board showing the signal system to be established at Algonquin Park station. See order 21475.

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4718. Application of the Boards of Trade of Princeton, Keremeos and Hedley, B.C., for an order directing the Vancouver, Victoria and Eastern Railway and Navigation Company to maintain a first-class daily train service to the farthest town on the completed portion of its line of railway. File 23626.

Struck off the list, as case settled.

4719. Application of the Canadian Northern Ontario Railway Company, under section 222, for authority to construct a spur from its Montreal-Port Arthur line at the west boundary of the township of Stafford, through the township of Stafford and the town of Pembroke, Ont., with two branches at its northerly end in the town of Pembroke, for the service of the box factory, The Steel Equipment Company and Pembroke Lumber Company and the local freight of the town and surrounding country. File 23085.

Judgment reserved.

4720. Application of the Pere Marquette Railroad for authority to take part of lots 29 to 41, inclusive, in the Sarnia Indian reserve. File 23493.

Application granted, Mr. Bray, of the Department of Indian Affairs, to indicate on the plan where the crossings, etc., are to be before the order issues.

4721. The Grand Trunk and Canadian Pacific Railway Companies will be required to explain the further postponement of the revised joint tariffs on lumber from the Southern States to Canadian points, the said new tariffs, promised for October 15, as the effective date, not having been filed. Files 17050 and 22221.

Matter referred to the parties for settlement. Board to be advised in the event of further delay in having the matter settled.

4722. Railway companies will be required to justify the proposed increase in charges for the detention of refrigerator cars as published in tariffs suspended by general order No. 115, dated December 19, 1913. File 1700-65.

Order made that special tariffs of charges for detention of refrigerator cars when used for shipments of perishable freight published by the railway companies be amended by eliminating the clauses therein relating to detention at the points of loading of the said cars. General order No. 115 and orders 21127 and 21128 to be rescinded in so far as they effect the several railway companies filing said amending tariffs. See general order No. 120.

4723. Application of W. L. Vandervoort, of Belleville, Ont., for an order directing the Canadian Northern and Canadian Pacific Railway Companies to construct a cattle pass under their lines of railway on his property on lot 34, concession 1, township of Sidney, Ont. File 3878-549.

Judgment reserved, matter referred to the board's engineer for further inspection and report.

4724. Application of Smith A. Hendricks, Trenton, Ont., for an order directing the C.L.O. & W. Ry. Co. to provide a crossing on his property in lot 13, concession 1, township of Murray, Ontario. File 3701-352.

Order made directing that the railway company on or before May 1, 1914, construct a farm crossing at the point in question. See order 21294.

4725. Consideration of the matter of protection at the crossing of the G.T.R. and C.L.O. & W. Ry. Companies at Prince Edward street, Brighton, Ont. File 9437-1063.

Complaint withdrawn.

4726. Application of the Transportation Committee of the Board of Trade, Orillia, Ont., for an order directing the Canadian Northern Railway Co. to operate their spur line from Udney, a point on the Toronto-Sudbury line which connects with the C.P.R. line at Atherly, half a mile from Orillia, Ont. File 8437-9.

Matter struck off the list, to be reinstated at the request of the applicants.

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4727. Consideration of the matter of protection of the level crossing of the Canadian Pacific Railway Company, at Albert street, Alliston station, Ont., File 9437-1095.

This application to be treated as an application for protection at Victoria street, C.P.R. Co. to file an answer accordingly.

4728. Application of the corporation of the township of Humberston, Ontario, under section 250, for an order directing the G.T.R. Co. to provide and construct suitable culverts under its line of railway known as the Buffalo and Goderich division of the Grand Trunk on lots 22 and 23 concession 1, township of Humberstone, Ontario. File 20681.

Board decided no formal order necessary unless applied for by the applicant.

4729. Consideration of the matter of protection at the crossing of the Grand Trunk Railway Company, at William street, London, Ont. File 9437-923.

Order made that no car or engine of the G.T.R. Co. be left standing within 50 feet of the east side of the said street. See order 21289.

4730. Consideration of the matter of protection at the crossing of the Grand Trunk Railway Company, at the first highway east of the station at Hastings, Ont., known as Bridge street. File 9437-652.

Order made that the crossing in question be protected by a watchman by the G.T.R. Co., to be on duty daily from 7 a.m. to 7 p.m. See order 21396.

4731. Application of the Canada Southern Railway Company, under sections 228 and 178, for authority to connect its tracks with the lines and tracks of the N. St. C. & T. Ry. Co. at the intersection or crossing of said railway near and west of the station of the applicant company at Welland, Ont., and for authority to take a part of lot 27, concession 6, of the township of Crowland, Ont. now owned by one W. H. Singer, for such purpose. File 23100.

Order made granting application. See order 21303.

4732. Application of the Guelph and Goderich Railway Company (C.P.R.) under sections 222 and 237 for authority to construct a spur on Harbour quay in the town of Goderich, Ont., at mile 111.8 on the applicant company's line, Guelph and Goderich subdivision. File 23461.

Order made granting the application subject to conditions set forth in the order. See order 21418.

4733. Application of Frederick Roach, Cherrywood, Ont., for an order directing the C.L.O. & W. Ry. Co. to take water from his spring (or allow him to do so) across the lands of the company and under their tracks on a line with culvert under said tracks on the west half of lot 30, concession 2, township of Pickering, Ontario. File 9437-4.

Order made directing the railway company to lay and maintain a 12-inch pipe under the embankment at the point in question, the applicant to have the right to lay a water pipe through the 12-inch pipe. See order No. 21847.

4734. Application of the Toronto, Hamilton and Buffalo Railway Company, under sections 221, 222 and 223, for authority to construct a spur in the city of Hamilton, Ont., from a point on the applicants' easterly belt line of railway and running thence to and through the lands belonging to the municipal corporation of the city of Hamilton (city sewage disposal works) and to and into the lands of Fowlers' Canadian Company, Ltd. File 22581-6.

Agreement to be prepared and submitted within two weeks. Board will then deal with the matter on the written submission of the parties.

4735. Application of the Toronto Eastern Railway Company for a temporary crossing order to cross the Oshawa Electric Railway Company's industrial spur to the carriage factory in the town of Oshawa, Ont., for a period of six months from the date of order and upon the terms and conditions contained in order of the board No. 14509.

Struck off the list. Before the Toronto Eastern Railway Company commence operation it must give notice to the Oshawa Electric Railway Company.

NOTE.—The question of the character of the protection is to be spoken to. File 15881-34

4736. Application of the Toronto Eastern Railway Company for temporary crossing order to cross the tracks of the Oshawa Electric Railway Company at Simcoe street, in the town of Oshawa, Ont., for a period of six months from the date of order and upon the terms and conditions contained in the last few lines of order No. 14508.

NOTE.—The question of the character of the protection is to be spoken to. File 15881-33.

Application struck out. Before the Toronto Eastern Railway commences operation it must give notice to the Oshawa Electric Railway Company.

4737. Application of Chas. A. Windatt, of township of Thorah, Ontario, under sections 154 and 250, for an order directing the C.P.R. Co. (Georgian Bay and Seaboard Ry.) to construct and maintain such drainage works upon their line of railway where same intersects his farm in lot 4, concession 10, township of Thorah, as may be necessary to prevent the flooding of his lands and damages from such flooding, and for an order under section 26a that he be relieved from the terms of certain agreement entered into with the railway company with reference to a culvert or cattle pass by reason of the violation thereof by the railway company. File 23676.

Matter stands, C.P.R. to submit its scheme for drainage by the 6th February, 1914.

4738. Application of the O. & Q. Ry. Co. (C.P.R.), under section 237, for an order authorizing proposed change of grade of present grade crossing and the construction by means of grade crossing of an additional track (double track) and siding tracks of the main line, London, S.D., across road northwest boundary of the town of Streetsville, township of Toronto, Ontario. File 22512-1

Order made directing the C.P.R. to construct a subway under its tracks at the crossing between lots 5 and 6, concession 5, in the township of Toronto, detailed plan to be filed within thirty days from the date of the order. Cost of construction to be paid: 20 per cent; not exceeding \$5,000 out of the Railway Grade Crossing Fund; 5 per cent by the village of Streetsville; 15 per cent by the township of Toronto, and 80 per cent by the railway company. See order No. 21904.

4739. Application of the Lake Erie and Northern Railway Company under section 178, for authority to expropriate certain lands belonging to Robert G. O. Thompson and Graham K. Stratford in order to enable the company to riprap the embankment between stations 102-52 and 111 58, and therefore prevent the embankment between these points from being washed away by the river, at a point near Brantford, Ont. File 18034 51.

No order made. Leave to applicant to renew on ten days' notice.

4740. Application of the G.T.R. Co., under sections 29 and 257, for an order amending order No. 14731 authorizing the applicant company to construct bridge No. 272, mileage 55-75 carrying the 13th district, Northern division of its railway across a farm road and stream on the west half of lot No. 20, concession 3, township of Albion, Ontario. File 18073.

Order made refusing the application. See order 21285.

4741. Application of the O & Q. Ry. Co. (C.P.R.) under section 237, for authority to change the present grade crossing in the Don road in lot 2, concession 3, east of Yonge street, township of York, Ontario, and to construct an additional track (double track) by means of a grade crossing the said Don road in lot 2, at mileage 93-65, Toronto subdivision. File 22262 17.

Order made granting the application, with leave reserved to the township of York to make an application at any time for a subway should the traffic warrant it. See order 21292.

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4742. Application of the C.P.R. Co., under sections 222 and 237, for authority to construct branch lines from points on the Union Station tracks near Bathurst street in the city of Toronto, Ont., to the property of the corporation of the city of Toronto, leased to the applicant company for railway purposes lying to the east of John street, produced and to the south of Lake street, and to cross with said branch lines the highway or prolongations or allowance for highways known as Spadina avenue, John street, and Lake street, Toronto, Ont. File 13978.

Judgment reserved.

4743. Application of the O. & Q. Ry. Co. (C.P.R.) under section 222 for authority to construct a siding for the Conger Lehigh Coal Company, Ltd., Toronto, Ont., on subdivision lots 12, 13 and 14, 15, 16, 17, 18, 19 and 20, lying northerly of Vine street, Toronto, Ont. File 22333-11.

Order to go in accordance with the consent minutes filed.

4744. Application of the C.P.R. Company under sections 227 and 176, for authority to connect the tracks of siding constructed for the Wm. Davies Company, Ltd., at Toronto with the tracks of the G.T.R. and to operate with the said G.T.R. over portion of said tracks. File 1694.

No order issued. See judgment of Chief Commissioner, Appendix "C."

4745. Consideration of the matter of protection at the crossing of the Canadian Pacific Railway Company at Cherry street, Toronto, Ont. File 9437-1099.

Order made directing the C.P.R. to provide a cabin close to the crossing at Cherry street, Toronto, for the use of a flag man to protect the crossing, between the hours of 6.30 a.m. 7 p.m. See order No. 21878.

4746. Petition of the citizens of the village of Claremont, the northern half of the township of Pickering and the southern part of the township of Uxbridge, Ont., for an order directing the C.P.R. Co. to stop its trains at Claremont, Ont., and in the matter of order No. 21155, dated December 31, 1913. File 23052.

Order made refusing the application. See order 21273.

4747. Application of the municipal council of the corporation of Brampton, Ont., for authority to open up Hollstone avenue, in the town of Brampton, Ont., across the line of the C.P.R. Co. File 23741.

Order made granting the application, work to be done at the expense of the applicants. Question of protection and expense thereof reserved for future order of the board. See order 21291.

4748. Application of the corporation of the city of Toronto, Ont., for an order approving plan showing the reconstruction of the Strachan avenue bridges over the right of way of the Grand Trunk Railway Co. of Canada and the Canadian Pacific Railway Company. File 21673.

Order made allowing for three tracks in the C.P.R. Company's span to be 5 feet wider. See order 21395.

4749. Application of F. H. Keefer, Thorold, Ont., for an order directing the Bell Telephone Co. to provide individual service lines in Thorold, Ont., or that the rates be cut in half. File 3574-102.

No order made. Board's electrical engineer to inspect and report.

4750. Application of the city of Toronto, Ont., for the same telephone tolls to be applied in that territory recently annexed and formerly known as North Toronto as are now applied within the limits of the Toronto exchange. File 3574-74.

No order issued. See judgment of Assistant Chief Commissioner Scott, dated the 26th March, 1914. Appendix "C."

4751. Complaint of the Atlantic Lumber Company against the increased switching charge of the C.N.O. Ry. for delivery of cars from the Rosedale saw-mills to the connection with the C.P.R. and G.T.R. File 22269.

Application stands to be disposed of with the Rosedale Sawmill Company's complaint.

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4752. Consideration of the practice of the express companies with respect to shipments from, and deliveries at, flag stations. File 4205, case 871, and File 23689. Judgment reserved. Board decided that no order should at present be made in connection with this matter.

4753. Application of the city of Toronto, Ont., for an order directing the express companies to extend their delivery limits in the city of Toronto fixed by orders Nos. 13357, 16331 and 16468, so as to include the district bounded by the Northern division of the G.T.R., Morrison avenue, and its prolongation, Dufferin street, and the existing limits on the south. File 4214-150.

No order made. Referred to the board's chief traffic officer for inspection and report.

4754. Application of the city of Toronto for an order directing the express companies to extend their delivery limits in the city of Toronto, fixed by orders 13357, 16331 and 16468, so as to include the highways and districts provided with permanent pavements since the said orders, the said streets and highways being shown orange and green upon the plan of the city of Toronto filed with this application and including generally St. Clair avenue and contiguous streets so far west as McRoberts avenue, Yonge street to the northerly limits of the city, Northeast Rosedale, Danforth avenue to the east city limits and the Kingston road to Main street, and the district known as the Beaches. File 4214-150.

Referred to the board's chief traffic officer for an inspection and report.

4755. Railway companies will be required to justify the proposed increase in the minimum weight per carload on certain grain, grain products and vegetables as published in schedules suspended by general order No. 116. File 23414.

Order made rescinding general order No. 116, dated 24th December, 1913. See general order No. 122.

4756. The G.T.R. and C.P.R. Companies will be required to explain the further postponement of the revised joint tariffs on lumber from the Southern States to Canadian points, and said new tariffs promised for October 15, as the effective date, not having been filed. Files 17050 and 2221.

Canadian Manufacturers Association to advise the board in case of further delay in having the matter settled, they to take it up with the G.T.R. Co.

4757. Application of the C.L.O. & W.Ry., for authority to close road allowance between lots 24 and 25, concession A., township of Brighton, Ont. File 370132.

No order issued; see judgment of Commissioner McLean dated the 16th March, 1914. Appendix "C."

4758. Consideration of the bridge tolls charged as follows:

By the C.P.R. for the bridge service between Fairville and St. John, N.B.,
Fredericton and Gibson, N.B., and Castlegar and West Robson, B.C.

By the G.T.R. between Coteau and Valleyfield, Que.

By the O. & N.Y. Ry. at Cornwall, Ont.

File 1179.

Judgment reserved.

4759. Application of the Montreal Board of Trade under section 315, on behalf of the Montreal Corn Exchange Association, for an order directing the G.T.R. Co., to put into effect at its Montreal elevator the same charges and conditions for elevation storage and loading of grain into cars as are in force at its elevators at Georgian Bay ports. File 23706.

Board directed that the Montreal Warehousing Company be added as a party. Further hearing of the application to stand until the March traffic sittings of the board. Mr. Onisholm to file a further statement in regard to the matter within ten days.

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4760. The railway companies subject to the board's jurisdiction are required to show cause why provision should not be made in their tariffs for day-seat fares in tourist sleepers. File 22694.

Judgment reserved.

4761. Consideration of the question of the removal of agents from permanent stations by railway companies as covered by the board's general order No. 119. Files 14895 and 4205-7.

No order made. See judgment of Assistant Chief Commissioner Scott, dated the 19th February, 1914. Appendix "C."

4762. In the matter of the application for connection between the C.P.R. Company's train No. 305 and the New York and Ottawa Railway Company's train No. 20, at Finch, Ont. File 20632.

Judgment reserved.

4763. Application of Henry Ray, township of March, Ontario, under sections 252-253, for an order directing the C.N.O. Ry. Co. to provide and construct a suitable farm crossing where the company's railway intersects his farm in the south half of lot 25, concession 3, township of March, Ontario. File 3561.194.

Order made directing the C.N.O.R. to provide and construct a permanent undercrossing through the applicant's farm, as set forth in said order, applicant to give the company a satisfactory bond for the refund of any amount he may have received from the company in excess of a reasonable valuation of the land taken by it. See order 21380.

4764. Application of M. W. Smith, Beaverdell, B.C., under section 253, for an order directing the Kettle Valley Railway Co. to provide and construct a farm crossing over its railway where the same crosses his farm, and in the matter of order of the board No. 20407, dated September 23, 1913. File 11738.41.

Order made rescinding order No. 20407, dated 23rd September, 1913, in so far as it directs a crossing at the west boundary of the applicant's farm. This order is without prejudice to the right of the said applicant to apply for an additional farm crossing if and when need therefor is established. See order 21427.

4765. Complaint of J. E. Colwell, Tapley's Mills, N.B., against the alleged uncompleted condition of Teeds siding on the line of the C.P.R. Co. File 23336.

Board decided the matter should stand until material is filed with it showing public demand for a loading siding at the Dibblelee Road crossing.

4766. Application of the city of Montreal, Que., to lay, maintain and operate an 8-foot diameter steel water main under the tracks and along and upon the right of way of the Grand Trunk Railway Co. situate upon and being part of lot 2410 of the cadastral plan of the municipality of the parish of Montreal, to be used by the city as an emergency supply to deliver water from Lachine canal to Montreal water works system at Atwater avenue pumping station. File 23775.

Order made. City Attorney, Montreal, to file draft order.

4766. Application of the city of Montreal, Que., to lay, maintain and operate an 8-foot diameter steel water main beneath the right of way of the C.P.R. Co. at chainage 260 16 from mileage 42.89, Adirondack Junction to Bresley, Eastern division, Montreal Terminals, Lachine canal, South Bank branch. File 23776.

Order made. City attorney, Montreal to file draft order.

4768. Consideration of the question of the principle of the determining of what company should report accidents on joint sections or in instances where two or more companies are concerned. File 19399, part 2.

Judgment reserved.

4769. Petition of F. C. Clarkson, Toronto, Ont., for an order directing the railway companies and other corporations interested in the acquisition of lands in connection with the Union Station, Toronto, Ont., to immediately proceed with the expropria-

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tion by filing the necessary plans and appointing arbitrators to ascertain the value of the said lands in accordance with the Railway Expropriation Act; or in the alternative to relieve the said lands from all direct or implied restriction and enable your petitioner to deal with same in the open market. (Adjourned hearing.) File 588-30.

Case settled.

4770. Application of the Cedar Rapids Manufacturing and Power Company, under section 178, for authority to expropriate certain lands in lots 262, 266, 267, 268, 269 and 265 belonging to John Vincent and Idala Charlebois, in the Parish of St. Ignace de Coteau du Lac, Que., and in lot 183 of the parish of St. Polycarpe, Que., belonging to Charles Houle, said lands being required for right of way for a transmission line. File 23677-1.

Order to go granting the application.

4771. Complaint of the Canadian Manufacturers Association, against the advanced minimum weights on paper and woodpulp to the Northwest, published in Canadian Pacific Supplement 40 to Tariff C.R.C. No. E-2353, and Grand Trunk Supplement 28 to C.R.C. No. E-2513, suspended by order of the board. The C.P.R. Co. will also be required to speak to the question of whether such notice as required by the Railway Act was given by it in connection with the issuance of supplement 44 to C.R.C. E-2353. File 19475-6.

Order made on consent, cancelling the 40,000 pounds minimum and fixing it at 35,000.

4772. Application of the Dustbane Co., Ltd., of Ottawa, under section 226, for an order directing the C.P.R. Co. to provide and construct a suitable spur track at mileage 85-2 where the company's railway (the Montreal and Ottawa Division) crosses lot 11, Junction Gore, township of Gloucester, Ont. File 22370-33.

Order made directing the railway company to construct a branch line as applied for. See order 21874.

4773. Application of the municipality of the township of Nepean, Ontario, for an order under section 237 directing the C.P.R. Co. to provide and construct a suitable highway crossing where the company's railway intersects Second avenue, as shown on plan of subdivision of lot 28 and part of lot 27, concession 1, Ottawa front, township of Nepean, Ontario. File 23005.

Order made granting the application. Expenses of crossing on the township.

4774. Application of the Port Hope Telephone Co., Ltd., for an order directing the Bell Telephone Co. to provide a connection between the lines of the two companies for the purpose of interchange of business between the two companies at the town of Bowmanville, Ont. File 3839-209.

Order made dismissing the application.

4775. Application of the C. L. O. & W. Ry., under section 178 for authority to take certain lands, being parts of lots 185, 184 and 178 in the town of Bowmanville, Ont., for the purpose of constructing a freight yard and approaches thereto to secure the convenient accommodation of the traffic upon its railway at the town of Bowmanville, Ont. File 3701-351.

Order made authorizing the applicant company, to take certain lands as applied for as set forth in the order upon conditions therein named. See order 21641.

4776. Application of the C.L.O. & W. Ry., under section 237, for authority to cross Seugog street with two tracks to its proposed freight yard in subdivision lots 145, 178, 179, 184 and 185, of block 1, Bowmanville. File 3701-352.

Order made that the railway company construct on or before 1st of May, a farm crossing as applied for, the G.T.R. Co. to replace the planks in crossing over its railway as soon as required. See order No. 21294.

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4777. Application of Gillies Bros., of Braeside, Ont., and Geo. Baker, Arnprior, Ont., for interchange tracks between the C.P.R. Co. and the G.T.R. Co at Arnprior, Ont. File 6713-52.

Judgment reserved.

4778. Application of the Board of Trade of Pembroke, Ont., for an order directing the C.P.R. Co., C.N.R. Co., and G.T.R. Co., to provide interswitching facilities between their respective lines in the town of Pembroke, Ont. (Adjourned hearing.) File 6713-50.

Judgment reserved.

4779. Application of the Montreal Board of Trade under section 215 on behalf of the Montreal Corn Exchange Association, for an order directing the G.T.R. to put into effect at its Montreal elevator the same charges and conditions for elevations, storage and loading of grain into cars as are in force at its elevators at Georgian Bay ports. (Adjourned hearing.) File 23706.

Matter referred to the Board of Grain Commissioners, Fort William, to deal with.

APPENDIX C.

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDED
MARCH 31, 1914.

RE REMOVAL POLES, WIRES AND CABLES FROM CERTAIN STREETS, CITY OF HAMILTON.

The Hamilton Electric Light and Cataract Power Company; the Hamilton, Cataract Power, Light and Traction Company; the Great North Western Telegraph Company; the Canadian Pacific Railway Company's Telegraph; and the Bell Telephone Company of Canada.

The city of Hamilton applied to the Board for an order directing the companies above named to remove their poles, wires and cables, as the case may be, from the portions of streets in the city of Hamilton; particularly referred to in the applications.

The applications were heard at the city of Hamilton on the 28th day of April, 1913.

At the conclusion of the hearing the Chief Commissioner delivered the following oral judgment:—

I am referring now to the applications made by the city of Hamilton to compel the Great North Western Telegraph Company, the Canadian Pacific Railway Company's Telegraph, and the Bell Telephone Company to take all poles and wires off specified streets.

We have been endeavouring for a length of time to get some proper data on which to proceed in connection with the distribution of costs in these cases. The matter has been taken up, not only with the city, but with others; and we have been endeavouring to get data from different places in the United States, and also some information as to what success the Quebec Provincial Commission has had in formulating a rule to be followed in such cases.

The case was heard by Mr. Commissioner McLean and myself in November, if I remember rightly; and, while we were unable to deal properly with the question of costs to-day (in view of the lack of this information, we shall have to take it up probably from another standpoint), the applications can be disposed of, in order that the work may go on, now that the winter is over.

The companies' objections as to the feasibility of the work and the use of joint conduits, we do not think are well taken. The plans of the city, as amended by the Board's expert, the expert of the Hydro-Electric Commission (who was associated with the Board's expert), and the experts of the different companies considering the plans, seem to us to be sufficient to answer the purpose, and to answer it safely. So structurally, and from an engineering standpoint, we find that there is no objection to the wires of the Great North Western Telegraph Company being placed underground in conduits to be supplied by the municipality as the municipality desires.

The position of the Bell Telephone Company is different. In our view, it is better, not only for the Bell Telephone Company, but also for the municipality itself, that a system which, having regard to the length of streets now under construction—a large proportion of its works being already underground—should be continued under one management and one ownership, so far as conduits are concerned; but the Bell Telephone Company will be directed to carry its wires underground in this particular part of the city—with one qualification.

While the Telephone Company objected entirely to the doing of the work, its real objection was the fact that the people on the streets, those to be benefited by the

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removal of the poles, would not allow the company to use their back premises in any way for the purpose of erecting poles, so that the wires going to the different subscribers could properly and be economically carried to their houses and places of business. The result of the labours of the Quebec Commission seems entirely to support the view of the company; and I understand that it is also the view of the local authorities here. Mr. Sifton's own plans support the view, that it would be impracticable as well as extravagant to carry the individual wires directly from the underground conduits into the houses of the consumers. I understand that Mr. Sifton, representing the city, does not propose to do so. That is right, is it not?

Mr. SIFTON: Yes.

The CHIEF COMMISSIONER: But he will supply consumers from poles erected in the rear, and that he is now making arrangements to get pole-rights, in order that he may feed in from the rear.

Mr. SIFTON: Yes.

The CHIEF COMMISSIONER: The Bell Telephone Company, therefore will not be required to place underground the connections to individual houses and stores. That will be looked after in the same way that the city's own work will be looked after, by poles erected in the rear, forming a cheaper and much more efficient method of construction. The city is now arranging for its own pole facilities; and it will arrange for the Bell Telephone Company. Where the city is getting easements for its poles, it can very easily carry attachments for the Bell Telephone Company, so that their subscribers may get proper service from the rear. With that qualification, and upon that being done by the city, the Bell Telephone Company will take its poles and wires off the streets in question. Those streets have been carefully considered by Mr. McLean and myself. They are probably some of the most important in the city. They are congested; there are entirely too many poles and wires on them; and the city's request for the removal of the poles is, we think, entirely reasonable.

Each matter under the Act will have to be dealt with on its individual merits, everything considered; and the fact that a municipality makes a request, and we are granting it in this case, does not warrant the conclusion that poles are to be taken off all city streets.

On the question of cost, we have not been able to get the necessary data. It will, however, be dealt with as soon as possible.

COMMISSIONER McLEAN: I agree with the disposition of these applications as expressed in the judgment of the Chief Commissioner.

Ordered accordingly.

RE COST AND LOCATION OF STREET RAILWAY, ELECTRIC LIGHT, AND TELEPHONE WIRES ALONG GRADE SEPARATION, NORTH TORONTO.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, June 4, 1913.

This application is made necessary because of the decision of the board to separate the grade of the crossings of the tracks of the Canadian Pacific Railway and the Canadian Northern Railway over the streets in the northern part of Toronto.

It necessitates the changing of the wires of the Toronto Electric Light Company, the Bell Telephone Company, and the Hydro Electric at different points.

There are two things to be settled: One is the method of the crossing, and the other is the cost.

First of all, dealing with the method: The Board is of the opinion that all wires at Yonge street should go underneath; also all wires at Avenue road, with the exception of the long distance wires of the Bell Telephone Company. It is realized that, as things are to-day with regard to the facilities, the long distance service may be prejudiced or deteriorated by putting the wires underground. It is in the public interest that as good a service as possible should be available. Therefore, until some further

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discovery or improvement is made, which will permit the wires to be put underground and a good service maintained, we will allow the Bell Telephone Company to maintain its long distance wires overhead. I think at the other streets it is agreed that underground construction should be followed.

Then, with regard to the question of cost and contribution, if any, from the railway and the city; that is what we might call the joint enterprise. In the Brock Avenue case, the Board came to the conclusion that the Bell Telephone Company should, at its own expense, pay the cost of the necessary change in its construction, that is, the change made necessary by the construction of a subway which carried Brock avenue under the tracks of the railways. We thought, then, that, while the Bell Telephone Company had the right to be on these streets, there was no guarantee that the grade of the street should not, at some future time, be changed in the public interest. That principle, we think, applies here. These different concerns that have these wires have rights on the street; but there is no guarantee that the grade of the street shall not be changed when the public interest demands it.

It is in the public interest that these grade separations should be brought about; and if in bringing them about some changes are necessary in the location of the wires of these companies, we think that the companies should bear the entire expense of looking after their own wires. Therefore, an order will go accordingly.

This will in no way affect the scheme of distribution of cost of the grade separation itself, which we will have to deal with at some later date. As far as the wires are concerned, each interest will have to look after its own wires and bear the entire expense of the change.

Ordered accordingly.

TORONTO AND NIAGARA POWER CO. AND C.P.R. CO., WIRE CROSSING, TOWNSHIP OF YORK.

The CHIEF COMMISSIONER: This is an application made by the Toronto and Niagara Power Company for an order permitting the applicant company to carry its wires across the right of way of the Canadian Pacific Railway Company in lot 6, concession 3, township of York. The application is objected to by the Canadian Pacific.

The application was heard at a sittings in Toronto on the 15th instant. The objections of the railway company are entirely based on the fact that, in their view the span from one tower to the other on either side of the railway allowance is too great. The question is entirely one for the engineer. The matter was referred to him for investigation and report.

Mr. Murphy finds the present construction to be insufficient. He thinks that angle towers or strain towers should be placed at the locations, south of and immediately next the tracks, now occupied by standard towers. Angle or strain towers are already provided on the other side. The question of cost will probably range from some \$500 to \$1,000, and the construction recommended by the electrical engineer should, in my view be ordered. The construction is to be carried out under his supervision, and details of towers to be submitted to him for approval. The order in this case before being issued will be submitted to Mr Murphy, as a former order No. 4669, with which he is conversant, will have to be dealt with.

Commissioners Mills and Goodeve concurred.

Order issued authorizing crossing; angle towers to be placed at the points south of and immediately next the tracks instead of the standard towers shown on the plan; the work to be done under the supervision of the electrical engineer of the Board; and detail plans of the said towers to be submitted to him for approval; and the Canadian Pacific Railway Company directed to permit such crossing accordingly.

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ERECTION OF TELEPHONE LINES BY BELL TELEPHONE CO. IN MONTREAL.

The CHIEF COMMISSIONER: This is an application made by the Bell Telephone Company asking the Board's consent to the erection of telephone lines on some twenty-one streets, the names and particulars of which are set out in the application of the company and with particularity in the letter of Mr. Hoyles, general solicitor of the company, under date of June 24, 1913. Complaint has also been made by would-be customers as to the failure of the Bell Telephone Company to supply telephone connection. The reply of the company to these complaints is that application was made to the city for permission to erect the necessary poles in order to give the service asked, and that the city has not given the requisite permission.

The case came on for hearing before the Board at a sitting held in Montreal on Tuesday the 8th day of July. At this sitting the city was represented. No specific objections were made to construction on any given street on behalf of the city, nor did the city submit any evidence showing that any of the streets were of a character on which pole construction, if allowed anywhere, would be objectionable. On the other hand, the city's position is that, having passed their by-law which provides that no poles shall be erected generally, that no consent of any kind should be given whether the streets were not, as a matter of fact, streets of a character on which poles might, pending the ultimate solution of the pole problem in Montreal, be allowed in the public interest to be erected.

Under these circumstances it was thought necessary that the Board's own electrical engineer, Mr. Murphy, should inspect the different streets and report to the Board on the character of the streets and the propriety of the proposed construction. Mr. Murphy has since reported that none of the streets in question are as yet ready for underground wire construction; that they are all in outlying undeveloped districts so rapidly changing in character that electric light lines of pole construction have been since erected on some of them in the positions described in the application of the Bell Telephone Company; and that, under the circumstances, no Engineer would recommend placing the wires underground.

I am of the view that the application should be granted. Changes have been made in the names of some of the streets since the application was first launched, and the streets and distances thereon, on which pole construction can be made and which are to be described in the appropriate order are set out in Mr. Hoyles' letter of June 24, as corrected by Mr. Murphy. The draft order is to be submitted to Mr. Murphy so that he may check the streets and distances. The details of the plan of construction must be subject to Mr. Murphy's approval. It may be that in some instances, notably on Beaumont avenue and Church avenue where other wires are already erected, special details of construction should be submitted by the company to Mr. Murphy.

Mr. COMMISSIONER McLEAN concurred.

Order, granting application, issued.

July 29, 1913.

RE BURRARD INLET TUNNEL AND BRIDGE CO.

The CHIEF COMMISSIONER: Mr. Hanes, the Mayor of North Vancouver, by his complaint of the 18th inst., draws the Board's attention to the fact that the Burrard Inlet Tunnel and Bridge Company has as yet not been organized under the provisions of the Railway Act, and that the business of the undertaking is being carried on entirely by the provisional directors. Accompanying this complaint is a statement of the company, being revenue account to December 31, 1912, from which it appears that the provisional directors have paid for calls of 25 per cent on stock subscriptions \$3,000, while the municipality of North Vancouver has paid \$25,000, the city of

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Vancouver \$20,000, and the city of North Vancouver \$10,000 for calls of 10 per cent on their subscriptions; and that of the resultant total of \$58,000, only \$11,783.27 remains in the hands of the provisional directors.

The legality of some of the payments made by the provisional directors is attacked. The Board will not deal one way or the other with issues of the character, the complaining subscribers having their appropriate remedy, if any, in an action in the provisional court. This Board has never interfered, and should not interfere, in such issues.

Complaint is also made as to the action of the provisional directors in making agreements under which 5 per cent or \$105,000 of the estimated cost of the bridge is to be paid to certain engineers, and also in providing for the payment of resident engineers and assistant inspectors, increasing the liability by some \$30,000 or \$40,000. The complaint has been answered by Mr. Guthrie, counsel for the company in Ottawa, who has filed a statement of facts in connection with the matter. This statement shows that the petitioners to the Act of incorporation, and who are the present provisional directors, acted from the first as trustees for the municipalities subscribing stock; and that the undertaking of the company is public; and that the moneys for carrying it on are to be provided by the municipalities and by subsidies from the Dominion and Provincial Governments. The statement further shows that the whole of the subscriptions of stock amount to only \$562,000, and agrees with the complaint of the mayor of North Vancouver as to the amount paid thereon.

It is also shown that arrangements have been made for additional subscriptions by North Vancouver and by the city of North Vancouver; that necessary by-laws have been passed; but that owing to difficulties arising under the provisions of the Municipal Act, the completion of the work of securing subscriptions has been held in abeyance, pending remedial legislation.

Mr. Guthrie likewise points out that proper minutes of the meetings of the provisional directors have been kept, and that these minutes show throughout whatever was done by the provisional directors of any importance with the co-operation and approval of the municipalities. Other matters are also covered by the memorandum which it is unnecessary to go into, because as has already been stated, the Board will not pass on any issue arising between the municipalities and provisional directors.

The main object of the incorporation of this company is the building of the bridge, and necessary approaches thereto, over the second narrows of Burrard Inlet for foot passengers, carriages, and street railway traffic. The construction of one or more short lines of railway being perhaps a subsidiary consideration.

The provisional directors have, notwithstanding the fact that no organization has taken place, already obtained the Board's consent to the location of their bridge and the approval of the general plan. They have since filed detailed plans, which have been checked and as reported to me by the Engineer are satisfactory and ample for their purposes; and the application is now pending before the Board for the approval of approaches to the bridge.

The question of the right of provisional directors to obtain approval of plans and of locations of rights of way, etc., does not yet seem to have been considered by the Board; probably, I would imagine, because that question has never been called to its attention, and that the Board either assumed, or the fact was organization had in all instances taken place before action looking towards construction was ratified by the board. I think it is clear that, under the Railway Act, it is not open for provisional directors to carry on the business of the undertaking. The powers of provisional directors are not even as great as those under the Ontario statutes, where provisional directors enjoy the powers of directors until organization. The provisional directors, under the Railway Act, have no such authority, their powers being specifically defined, by section 81, sub-section 3, as follows:—

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"3. The provisional directors may—

"(a) forthwith open stock books and procure subscription of stock for the undertaking;

"(b) receive payments on account of stock subscribed;

"(c) cause plans and surveys to be made; and

"(d) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed."

Before this company can be organized and empowered by the Board to carry on business, stock to the extent of at least \$750,000 must be subscribed, and at least \$75,000 paid into some chartered bank to the credit of the company. Railway companies have powers of great plenitude. The filing of plans and the approval of locations, apart entirely from the rights of expropriation, affect private interests. The provisions as to the organization and stock subscriptions are provisions made for the protection of the public and must strictly be adhered to. For the purpose of disposing of this matter, I credit the promoters with the best of faith; but their entire bona fides is no answer to the complaint of the mayor of North Vancouver. The company has not been organized; and, until it is organized all applications of the company, under the provisions of the Railway Act, for approval of plans, locations, or otherwise, will be refused.

The approval already granted was made in July last by a section of the Board presided over by the Assistant Chief Commissioner, who tells me that if the fact of the lack of organization had been brought to his notice, no order would have been made.

With a view of preventing in the future the recognition of any unorganized company, evidence must be filed with the Board showing that the provisions of the Act relating to organization have been complied with, as a necessary part of the material of the first application of newly incorporated companies.

Assistant CHIEF COMMISSIONER SCOTT and Commissioner MILLS concurred.

March 31, 1913.

RE QUEBEC CENTRAL RAILWAY COMPANY—JURISDICTION OF BOARD.

The CHIEF COMMISSIONER: Complaints have been made to the Board as to the operation and practices of the Quebec Central Railway Company; and the question as to whether or not that railway is subject to the jurisdiction of the Board was heard at Ottawa on the 18th March.

The Quebec Central is a provincial company incorporated under the statutes of the province of Quebec.

The railway has, however, been acquired by the Canadian Pacific Railway Company under a lease dated October 2, 1912.

This lease seems to give absolute control of the railway and its operations to the Canadian Pacific Railway Company. Under it, not only the railway now constructed, but also all extensions, branches, and additions that the lessor—that is, the Quebec Central Railway Company—may hereafter be authorized to construct by the Parliament of Canada, by the Legislature of the province of Quebec, or by the Board of Railway Commissioners for Canada under the provisions of the Railway Act and Amendments, with all appurtenances, are leased to the lessee—the Canadian Pacific Railway Company—for a term of nine hundred and ninety-nine years.

The lessor's corporate acts are subject to contract with the lessee, the lessor agreeing not to issue any additional capital stock, bonds, or other financial obligations, without the lessee's consent; and, at the same time, agreeing to sell all or any part of the existing capital stock within its control, and use its best endeavours to obtain power to create, and thereafter create and issue, additional capital stock, if the lessee so desire. On the same request the lessor must issue bonds or debenture stock to such amount or amounts and at such rate of interest, not exceeding 4 per cent, as the lessee

fixes. The lessor is to apply the proceeds of such bonds or debenture stock in such proportions and in such manner towards the construction or permanent improvement of the railway as the lessee may direct; or, at the option of the lessee, the lessor is to pay over the whole or any part of such proceeds to the lessee, in order that the lessee may itself, according to its own discretion, apply the same as aforesaid.

The lessee also has the right to exercise all the franchises and powers of the lessor in operating the railway, in building branches under the Railway Act or under any Act of the Legislature of the province of Quebec, and has the right to use the names of the lessor.

The officers of the lessor are required on the demand of the lessee, to append their signatures and affix the seal of the lessor to any document useful in the exercise of the lessor's rights and franchises. The lessee, of course, can do what it likes in connection with the running of the trains, may make such rules, regulations, and by-laws touching the railway as it deems advisable, and is to make the tariff or tolls.

The only matters left to the lessor, to warrant its continued corporate existence, seem to be the issue of further stock, bonds, and debentures, and the receipt of rent.

The rent takes the form of the payment of interest on the company's bonded or debenture stock indebtedness, and a dividend upon the capital stock of the lessor for the time being issued and outstanding at the rate of 4 per cent for the first four years of the term and afterwards at the rate of 5 per cent. It would appear that this collection is in its turn probably a matter of form in so far as the lessor is concerned, and that the lessee probably, through some official of its own, who may have the added dignity of an official name in the lessor company, will make these payments direct to the shareholders of record and to the bond and debenture stockholders.

On the other hand, it should be pointed out that the lessee covenants to do everything, during the term of the lease, necessary for the preservation of the property and franchises of the lessor, and for keeping alive its incorporation for all purposes mentioned in its Acts of Incorporation; and that the lease contains provisions for surrender at the end of the term, and for re-entry for non-payment of rent.

The probable reason for the continuance of the corporate functions of the lessor would seem to be—first, the maintenance of the defined interests of the shareholders in the company, as represented by their stock certificates, unchanged, thus obviating difficulty in determining their interests, and making their compensation easy of adjustment in the form of the dividend secured; secondly, the issue of securities by the lessor for the purposes of the road, enabling the Canadian Pacific to construct new lines under provincial Acts, if they are found favourable, and to operate said lines without interference from the Board of Railway Commissioners.

The lease was submitted to the Board for its approval under section 361 of the Act; and a consideration of the provisions of that section and of section 362, as well as subsection 21 of section 2, is now necessary. Section 361 deals with the sale or lease of the company's railway and undertaking by one company to another, either in whole or in part, or for amalgamation. Under the terms of the section, the agreement has to be submitted to the Board, with the application for its recommendation to the Governor in Council for sanction, the duty of the Board being, in the proper case, to recommend to the Governor in Council the sanctioning of the agreement.

Under section 362, companies agreeing to amalgamation are deemed to be amalgamated and form one company in the name and upon the terms and conditions which the agreement provides, and the amalgamated company is to possess and be vested with . . . all the powers, rights, and franchises . . . belonging to, possessed by, or vested in the companies parties to the agreement. The interpretation of "railway" sections 2, subsection 21, shows that the word includes any railway which the company has the authority to construct or operate.

Section 362, however, has no application. Absolute as is the acquisition by the Canadian Pacific Railway Company of the railway in question, there is nothing in

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the agreement providing one way or the other for amalgamation, a matter necessary to the operation of this section.

Ordinarily speaking, section 361 of the Act would have no application under the decision of the late Chief Commissioner, Mr. Justice Mabee, on the application of the Montreal Street Railway for approval of amalgamation agreements with the Montreal Terminal Railway and the Montreal Park and Island Railway Companies. In that instance the local company, the Montreal Street Railway Company, absorbed two Dominion incorporations—the Montreal Terminal and the Montreal Park and Island Railway Companies. Mr. Justice Mabee held that section 361 deals only with the federal companies and not with two provincial companies, nor with a federal and a provincial company; and that, therefore, the section has no application to the sale of a federal railway and its assets and facilities to a provincially incorporated company. This judgment would apply in the present case, if it were not for the Act obtained by the Canadian Pacific Railway Company (2 Geo. V. chap. 78, section 14), which provides that, subject to the provisions of sections 361, 362 and 363 of the Railway Act, the company may, for any of the purposes specified in section 361, enter into an agreement with the Quebec Central Railway Company, and may lease the railway and undertaking of the latter company.

The Board recommended the agreement in question for the sanction of the Governor in Council on the 28th November, 1912, and that sanction was granted. The Quebec Central Railway is now a railway operated by the Canadian Pacific Railway Company. Is it a "railway" within the definition of the Railway Act? Mr. Beatty claims, firstly, that its operation by the Canadian Pacific Railway Company is not under the provisions of the Railway Act, but under the special Act of 1912, claiming that before the Canadian Pacific Railway Company could operate a provincial line under a provincial charter, special authority had to be obtained from the Dominion Parliament; and, secondly, that the railway operated under the section of the interpretation clause already referred to, means a railway subject to the provisions of the Railway Act—in other words, a railway either incorporated by the Dominion Parliament, or specially declared by that Parliament to be a work for the general advantage of Canada.

In the case of the Preston and Berlin Street Railway Company vs. the Grand Trunk Railway Company, an application was made by the street railway for an order of the Board permitting it to use a small portion of the Grand Trunk Railway Company's land for the purpose of its street railway—a provincial road. The application was refused, the late Mr. Justice Killam holding that the provision in the Railway Act giving the Board power to authorize the use by any company of the railway tracks or the land of another company applies only to a railway authorized by an Act of the Dominion Parliament, or declared to be a work for the general advantage of Canada.

Everything considered, I am of the view that this Board has no jurisdiction. The line is still a provincial line. The judgments both of Killam J. and Mabee J., affirm the proposition that the railways subject to the provisions of the Railway Act are only those subject to the jurisdiction of the Dominion Parliament, with certain exceptions of no importance here. This must be necessarily so. I think it also apparent that the mere Act of the Dominion company, such as the purchase of a provincial line, cannot of itself oust provincial jurisdiction.

This is not a case of a Dominion company operating a provincial line under the Railway Act, which may or may not be possible and the Board is not to be understood as determining that under no circumstances can it have jurisdiction over a company as such, enabling it to regulate operation apart from any authority to compel the building of industrial branch lines or the enlargement of the track facilities of the railway itself. Here the right of operation has been granted to the Dominion company by a special Act of the Parliament of Canada.

The case appears to require legislation to deal properly with it. It seems contrary to public policy and the proper administration of the railway system, that a

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Dominion company, in so far as its major operations are concerned, should be subject to the jurisdiction of the Board, and be exempt from such jurisdiction—be, so far as this Board is concerned, entirely free from control of any kind, on a small part of the line operated because of certain legal distinctions which cannot appeal to the shipper or passenger, or in any way affect the exigencies of traffic.

An undivided control in operation is probably more important than construction. Uniformity of railway practice, a most important essential, would seem to demand that railway companies, however incorporated, should, when operated by any of the large Dominion systems, be subject to Dominion control.

Assistant Chief Commissioner Scott concurred.

March 31, 1913.

REDUCTION OF A CERTAIN PASSENGER TRAIN SERVICE IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN. CANADIAN NORTHERN RAILWAY COMPANY.

Mr. Commissioner MILLS:

On November 1, 1913, the Board of Railway Commissioners—on the application of the Boards of Trade of Youngstown, Oyen, Chinook, and Hanna, in the province of Alberta—directed the Canadian Northern Railway Company to furnish a daily (except Sunday) passenger service on its line of railway west of Alsask, in the province of Saskatchewan; said service to be put into effect not later than the 10th day of November, 1913.

The railway company is said to have furnished the service as above ordered by the Board; but, in a communication dated January 26, 1914, the company has submitted figures which go to show that it is losing money on its passenger service west of Alsask; and it has asked the Board.—

To sanction the reduction of the passenger train service west of Kindersley to Hanna to three trains per week in each direction until such time as the business warrants it being put back to a daily, except Sunday, service.

Our chief operating officer has examined the figures submitted by the company; and, on his recommendation, I think it is only fair that the Board should authorize the company to reduce the daily passenger service each way, excepting Sunday, to a tri-weekly passenger service each way between Kindersley and Hanna from the present time till the 1st of June, 1914.

Chief Commissioner Drayton concurred.

February 4, 1914.

COMPLAINT OF THE VILLAGE OF ENTWISTLE, ALBERTA, RE DISCRIMINATION BY THE GRAND TRUNK PACIFIC RAILWAY COMPANY.

Mr. Commissioner McLEAN:

The situation in connection with freight and passenger accommodation at Entwistle, Alberta, as already been gone into at length by the Board, and as has been indicated, after a careful inspection and after thorough consideration of the situation both from an engineering and operating standpoint, the Board came to the conclusion that it was impossible to direct the railway to have station accommodation at King street, in the village of Entwistle; and the Board approved of the station location at the point as applied for by the railway. In view of the care with which the matter was gone into, it would seem superfluous to refer further to this phase of the matter. The village of Entwistle, with a pardonable belief in its opportunities of growth, has recurrently brought the matter of its station accommodation before the Board. It may as well be said that the matter of the station location as to Entwistle is settled, and that unless an entirely new set of facts is disclosed there is no necessity of attempting to reopen it. There must be finality.

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By way of minimizing the danger of a stop at King street, the secretary-treasurer of Entwistle refers to other spur track conditions. He refers to a proposed spur for the Pembina Quarries, Ltd. This, from the blue print furnished by him, shows a spur running off from the spur to the Hislop mill. It is stated that grading in connection with this extended spur has already been done by the railway. If this grading has been done off the right of way of the railway it is in violation of the provisions of sections 222 to 225, inclusive, of the Railway Act, since no application has been made to the Board. If such an application is made, then, in my opinion, if it is in accordance with the blue print already referred to, the Board would not be justified in sanctioning such a spur from the point of connection as indicated. Reference is also made to a proposed spur from the Canadian Northern west of the Pembina river, to the Pembina Coal Company's property. It is stated that this starts at a point 160 feet west of the river. No application has as yet been received in connection with a spur from the Canadian Northern to this property. This portion of the railway is not yet open for traffic. When the application, if any, is before the Board, full weight will be given to the danger caused by the proximity of the river.

The Municipality, in furtherance of its application for accommodation at King street has drawn the Board's attention to the station which exists at the Pembina Coal Company's spur, west of the bridge over the Pembina river; and it is considered that what has been done at this point is an argument for reconsideration as to the village of Entwistle.

An application was filed with the Board by the Grand Trunk Pacific Railway Company, under date of September 24, 1913, asking for the Board's sanction of "an Order authorizing the construction, maintenance and operation of a branch line or spur and sidings, for the Pembina Coal Company, Limited, in sections 19 and 30, township 53, range 7, west 5th meridian, district of North Alberta, province of Alberta." The Board received a communication from Mr. Charlesworth, Director of Surveys of the Department of Public Works, Alberta, dated September 27, consenting to the crossing of the road allowance; and thereafter the Board's order 20497 issued sanctioning the construction of the spur. The road allowance referred to is 1,084 feet west of the bridge, and the switchstand of the spur is 500 feet west of the road allowance. The location of the spur track in question is at such a distance from the bridge as to make its operation safe.

It developed in the course of the investigation by the Board's inspector that a temporary station for freight and passengers has been built just west of the road allowance already referred to, and east of the spur track leading to the Pembina Coal Company's mine. Pembina mines is shown as a station on the railway company's timetable. Bulletin No. 378 of the Grand Trunk Pacific provides that trains 3 and 4 shall stop on signal at the Pembina Coal Company's spur; that is to say, the spur which has just been referred to. When the railway was telegraphed to in regard to this station, the following statement as to it was received.

"There is only a small shelter on the ordinary right of way for the accommodation of coal company's employees, and no regular station has been provided. This has been done by reason of fact that persons destined to the Pembina Coal mines have no means of crossing river if required to detrain at Entwistle."

Following this, the railway was wired to as follows:—

"Application of Village of Entwistle. Your message 26th. Board is advised that Pembina Mines shown as station in your timetables; that passenger business handled there as well as L. C. L. freight no Order issued for this station. Immediate answer requested."

In response to this, the following telegram was received from the railway:—

"Application village Entwistle. Your message date. Since Board issued order, twenty thousand four ninety-seven authorizing construction, maintenance,

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operation Pembina Coal spur, our operating officers considered they were authorized to handle all traffic offering to and from that spur. Shelter, erected as additional convenience as explained yesterday. If Board considers approval shelter necessary shall be glad submit application for temporary shelter in pursuance general order fifty-four."

The railway has gone ahead and violated the Railway Act by constructing a station at this point. The position of the railway as disclosed in the extracts from telegrams above set out, shows that the only defence the railway presented was an extremely transparent subterfuge.

Whether or not a station should be located at the point in question is a matter on which no opinion need be expressed at present, since no application in the matter has been or is before the Board. It is sufficient to say that the structure in question has been erected and placed in its present position with a flagrant disregard for the specific requirements of section 258 of the Railway Act.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

March 25, 1914.

APPLICATION UNDER SUBSECTION (C) OF SECTION 8 OF THE BOARD'S ORDER NUMBER 12225.
(GENERAL ORDER NUMBER 65.)

Mr. Commissioner McLEAN:

Subsection (c) of section 8 of order No. 12225, now numbered as general order No. 65, sets out—

"No structure over four feet high shall hereafter be placed within six feet from the gauge side of the nearest rail without first obtaining the approval of the board."

There has developed a diversity of practice, and at times orders have issued on the applications of industrial companies which have desired a limited clearance as to loading platforms, doors, etc. While in the cases so dealt with on the application of such industrial companies the railway company may be a consenting party, this does not give the Board jurisdiction. The only concern the Board has as to the question of the clearance at the point in question is that it affects the operation of the railway. Whether the condition in respect of limited clearance arises adjacent to a track located on the railway's right of way or adjacent to a branch line built under the branch line sections, it is a matter connected with the operation of the railway. It is on this that the Board's jurisdiction depends. All applications under the subsection referred to should, therefore, in future be made by the railway concerned, not by the individual or industry affected.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott, and Commissioner Goodeve concurred.

March 25, 1914.

TWIN CITY TRANSFER CO. (EDMONTON) RE SOLICITING PASSENGERS AND BAGGAGE AT C.P.R. STATION.

The CHIEF COMMISSIONER:

This is an application made by the Twin City Transfer Company, of Edmonton, for an order directing the Canadian Pacific Railway Company to extend to the applicant company the same privileges as are given to the City Transfer Company at the company's station at Stratheona, Alta.

The application is contested by the Canadian Pacific Railway Company, which stated, at the hearing, that for the convenient transfer of passengers and their baggage from Stratheona (now South Edmonton) to points in Edmonton proper, at rates

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which are reasonable and can be controlled by the railway company, a contract has been entered into with the City Transfer Company to carry passengers and baggage from the station to hotels at certain schedule prices; and that, under the said contract, no payment is made to the railway company, either in the way of tolls by passengers or compensation by the said City Transfer Company. The railway company further alleged that the contract had been entered into entirely in the interest of the travelling public, and that it does not place upon the passengers any obligation either to go themselves or to have their baggage carried by the City Transfer Company.

Evidence was also given by Mr. Potter of the City Transfer Company that the former charge of fifty cents per passenger had been reduced to twenty-five cents, as a result of the agreement; and Mr. Price, superintendent of the Canadian Pacific Railway Company, stated that some such arrangement had to be made either with Mr. Potter's company, or some other responsible concern, in order that the business of the railway company might be done with dispatch and due regard to the convenience of the travelling public; and that, if bus-men were allowed to solicit business on the platform generally, the company could not prevent excessive transfer charges.

It developed during the hearing, that Mr. McNeill, of the Twin City Transfer Company, had a similar agreement with the Grand Trunk Pacific Railway Company at Edmonton and made a like charge of twenty-five cents, and the record shows that the said Twin City Transfer Company carries baggage for some fifteen hotels and two theatres; but it was alleged that passengers discharged at the C.P.R. station were prevented from doing business with the Twin City Transfer employees standing on the platform, the railway policeman going so far as to say: "That man is not allowed to do business here. You cannot get on his wagon."

I find, on further consideration, that the Purcell case does not deal so broadly with the question as I thought at the hearing, the decision turning largely on special conditions at Saskatoon and not covering generally the right of the railways to make contracts of this character. The unreported judgment of the Supreme Court discussing the company's appeal, delivered by the Chief Justice, reads as follows:

"Reading this order as made with respect to the special circumstances which exist at Saskatoon, we dismiss this appeal.

"It is not intended by this disposition of the present appeal to cast any doubt upon the right of the company to take such steps as may be necessary to maintain order within the limits of the station grounds."

I find also that the Board has not relied on the Purcell case as one of general application, as contracts similar in character to the one considered in that case are still in force at other points, and have not been interfered with.

A consideration of the Act and authorities is therefore necessary.

Under section 284 of the Railway Act, companies must—

"(a) furnish at the places of starting . . . and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway; (b) furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic; (d) furnish and use all proper appliances, accommodation, and means necessary for such purposes."

Section 317 provides that—

"All companies shall according to their respective power, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding, and delivering of traffic upon and from their several railways,"—and (sub-section 3) "no company shall (a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever; (b) by any unreasonable delay or otherwise howsoever, make any difference in the

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treatment in the receiving, loading, forwarding, or delivery of the goods of a similar character in favour of or against any particular person or company; (c) subject any particular person or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage, in any respect whatsoever."

These sub-sections are particularly relied on by Mr. Biggar, who appeared for the complainant.

The word "traffic" where used in the Act means traffic of passengers as well as goods (section 2, sub-section 3).

The duties of the railway company under these sections, are, in my opinion, confined to matters relating to the receiving of traffic at the railway station, forwarding it over the railway, and delivering it at the destination station or to another railway company, as the case may be.

A railway company is under no obligation, legally or otherwise, to take passengers from their houses or hotels to its stations or vice versa; and, there being no duty—no traffic in the railway sense—it cannot properly be said that if such a company allows one transfer company certain privileges, it is guilty of unjust or illegal discrimination because it does not allow the same or similar privileges to all other companies engaged in the transfer business.

If there be discrimination, it lies in the selection of a certain agent for transfer purposes, instead of inviting all those now or from time to time engaged in that business to participate as much as possible in it at all the company's stations, an arrangement which would render supervision in the public interest practically impossible.

In some cases a transfer does form part of the railway company's transportation contract and would fall within section 317; for example, where, on a through ticket, including a transfer coupon, passengers are discharged at a station at one part of a city and transferred by a local transfer company, acting under contract, to another station from which the journey is resumed.

In such a case as the above, all passengers would be entitled to similar treatment. The company could not, by undue delay or otherwise, give an advantage to one particular person, to the exclusion or neglect of others, either by its own act or the act of its agent, the transfer company. To do so would be an undue preference or discrimination within the meaning of the Railway Act.

On the other hand, the railway company, has, if the complaint on this point is well founded, practised undue discrimination in another direction. Instead of supplying equal facilities to all the transfer companies desiring to carry on the business of taking passengers and baggage to and from a railway station, the railway company has, by its contract, excluded all the transfer companies but one. This may be spoken of as discrimination; but, in my view, it is not the discrimination prohibited by the Railway Act, which latter is that worked by the company as between passengers and the shippers and consignees of freight and does not concern in any way the men, agencies, or companies that may or may not be employed either by the railway company, a passenger, or a shipper for receiving, forwarding, or delivering traffic at, to, or from railway stations. The only exception I know of to this general rule, is made by section 317, subsection 6, which provides that if a company grants facilities for the carriage of goods by express to an express company, any other express company on demand shall be granted equal facilities on equal terms and conditions.

Then, if such an agreement is not prohibited by the Act, have railway companies the right to exclude cab or bus drivers from their station properties (subject to the qualifications hereafter made)?

Railway stations, in the same manner as the railway line itself, are of a public nature, subject to duties, obligations, and servitude to the public to the full extent necessary for the proper discharge of the company's statutory and common law obliga-

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tions as a public carrier. While this is the case, railway stations are private property as between the company and those of the general public who have no occasion to use them for purposes of transportation. In other words, the rights of the company to deal with its property are the same as those of any other owners of real estate in so far as matters or uses unconnected with the operation of its road are concerned.

Companies may, therefore, rent space in their stations for news-stands, restaurants, and barber shops; and why should they not for transfer and cab offices, without having to supply space for all cab-drivers on like terms? As it occurs to me, the company owes no greater duties to cab-drivers than to barbers. It is under no direct obligation to either. Its duties as a railway company commence and end with those arising out of and incidental to the carriage of traffic.

The railway company, however, occupies a different position in so far as a passenger is concerned. It must furnish adequate and suitable accommodation for his arrival at and departure from the station. This entails a station platform or entrance with ready access to the street for carriages. The passenger has the right to choose his conveyance if he wants one. Unless all vehicles have, subject to the reasonable rules and regulations of the railway company, the right to go to the appropriate station platform, the full rights of the passenger in driving to or from the station are curtailed.

In the Purcell case, it was shown that the Plaintiff went to meet six ladies coming off a train; and that the station agent compelled him to stand his bus at a most inconvenient place for ladies to reach; that the passage where he was compelled to stand had been obstructed; and that the agent, upon complaint being made, stated that the ladies might reach the bus the best way they could. The late chief commissioner held this to be irregular and illegal.

In this case, the railway policeman prevented the plaintiff's representative from doing business, and told the passenger that he could not get on the plaintiff's wagon. This certainly was irregular and illegal. The passenger has a right to take whatever conveyance he desires, subject to the right of ingress and egress by other passengers, and to the proper observance by drivers of the reasonable rules of the railway company regulating traffic and in case of public convenience and safety. The question is one of the facilities that passengers are entitled to—a matter to be determined by the reasonably interpreted requirements of the traffic at the point under consideration.

The mere fact that the plaintiff here has a contract with the theatres for the transfer of baggage, as well as passengers, coupled with the company's refusal to allow him to carry on business, justifies the complaint. McNeill's customers must have the opportunity of availing themselves of his service, and the company must make the arrangements necessary for such purpose.

If any difficulty arise in carrying out the Board's order, precise directions will be given, after inspection by an officer of the Board.

Reference may be had to Purcell and the Grand Trunk Pacific Railway Company, 13 Canadian Railway Cases 194; Donovan and Pennsylvania Company, 199 United States Report 192; South Western Produce Distributors and Wabash Railroad Company, 20 Interstate Commerce, 458; and Crosby and Richmond Transfer Company, 23 Interstate Commerce, 72.

Commissioner McLean concurred.

March 25, 1913.

RE COMPLAINT OF THE TWIN CITY TRANSFER OF EDMONTON AGAINST C.P.R.

Mr. Commissioner McLEAN:

Mr. McNeill, in his letter of December 16, 1913, on file, states "the real question is whether the C.P.R. have the right to allot forty feet of space for the exclusive right of the other transfer company." The issue having been so defined, there is no neces-

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sity to consider the relationships existing between the contending transfer companies, even if these companies were subject to the Board's jurisdiction. Mr. Potter states that he is paying \$15 a month for the special privileges he enjoys; presumably this is in part, if not in all, paid for the forty feet of space referred to. But this again takes us back to the question of rights of the company in respect of the allotment of space. As was pointed out in the judgment in the Twin City Transfer application, 15 C.R.C., 323, the obligations of the railway are to the passengers, not to the transfer company. Subject to the obligations so arising, the railway may make arrangements as to the proper policing of its station premises. It is within the reasoning of the judgment that it may rent space on its premises to transfer men on different terms for each man without coming within the inhibitions as to discrimination contained in the statute. Without going further into the judgment—and its reasoning is pertinent to the present application throughout—the obligation on the railway is “one of the facilities that passengers are entitled to—a matter to be determined by the reasonably interpreted requirements of the traffic at the point under consideration.”

It does not appear on what is before the Board that the existing arrangement as to allotment of space curtails the facilities properly available for passengers, and the Board would not, therefore, be justified in directing a revision of the existing arrangement.

It is pointed out by the Board's operating officer that hotel runners and busmen are allowed to crowd in and jostle passengers, such jostling and crowding being due to an attempt to obtain traffic for the vehicles they are interested in. The passenger should be protected from such annoyance. It is entirely within the powers of the railway to make such policing arrangements as to obviate this. Drawing the attention of the railway to the existing situation in this respect should be sufficient to bring about its correction.

The Chief Commissioner concurred.

February 3, 1914.

COMPLAINT OF W. H. MAHON RE VICTORIA BRIDGE, LIGHTS AND TOLLS, MONTREAL, QUE.

Mr. Commissioner McLEAN: Complaint was made in this matter by Mr. Mahon, that on account of the absence of provisions for lighting on the Victoria bridge, night travel for vehicular and pedestrian traffic along the roadways provided in connection with this bridge was unsafe.

This complaint was supported by a resolution endorsed by the municipalities of St. Lambert and Montreal South, which complained that in addition to the lighting being in an unsatisfactory condition, the road approaches at both ends of the bridge were in a very bad condition.

The matter was subsequently heard at Montreal and was referred to the electrical engineer of the board to investigate as to the question of lighting, and to the operating and engineering departments to look into as to what should be done to improve the situation in connection with the highway approaches.

The Board is advised by its engineering department that the approach to the bridge at the Point St. Charles end has been put in a very satisfactory shape, and that a similar rearrangement has been made at the St. Lambert approach, where, during last fall, an average of 9 to 12 inches of macadam was laid over the old gravel surface of the approach, thereby putting it in very good condition. A new railing has also been erected on the west side.

There remains the question of lighting. The investigation made by the Board's electrical engineer resulted in certain alternative propositions being set out in his report, which was submitted to the railway. The railway did not contest the figures of the Board's electrical engineer, but contended that on account of the light traffic

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it was not justifiable to require the railway to incur the expense that any one of the suggested methods would necessitate. The matter has so stood.

While the item of volume of traffic is one factor to be considered in connection with the installation of a protective device, the Board does not regard this as conclusive. In the present instance, the railway has, in connection with its railway bridge, made provision for vehicular and pedestrian traffic, and this was taken cognizance of in connection with the assistance given to the bridge by the Dominion Railway Subsidy Act of 1900, which is chapter 8 of 63-64 Victoria. Certain tolls are charged for such vehicular and pedestrian traffic. It is pled by the railway that the amount of the revenue obtained from this traffic crossing the bridge at night is not sufficient to pay for lighting the bridge. This, it does not seem to me, is an adequate answer in so far as public safety is concerned.

As has been pointed out, the railway has taken no exception to the figures of cost presented by the Board's electrical engineer. Since, however, the question of the general cost of the work is one which is emphasized by the railway, there is no reason why it should not put in as economical a system of lighting as is compatible with efficiency. The situation as to the night traffic is a dangerous one, and adequate provision should be made for lighting. The railway should, therefore, within one month submit for the approval of the Board's electrical engineer a system of lighting which it is prepared to instal to take care of the traffic, and such work to be completed within such further time as will be indicated in the Board's order after the approval of the plan in question.

Chief Commissioner Drayton concurred.

February 10, 1914.

RE LITTLE CREEK DRAIN UNDER G. T. R. TP. OF TILBURY.

The CHIEF COMMISSIONER:

This is an application made by the municipal corporation of the township of Tilbury for an order under section 251 of the Railway Act, approving of the plans and specifications of proposed repairs to Little Creek drain as shown on the plans, profiles, and specifications submitted, and particularly that portion of the drain upon the lands of the Grand Trunk Railway Company and the approach to be constructed on the railway company's lands for the drain.

The engineer's report filed in the drainage proceedings, and submitted to the board, established that the Grand Trunk bridge, where it crosses the drain, is an old wooden pile structure with a large number of piles driven in the channel of the drain, that these piles catch and collect ice and other debris coming down the stream, as well as materially reducing the carrying capacity for water, a detriment to the proper working of the drain. The report also finds that it is necessary that a new bridge with at least a forty foot clear opening under the tracks of the Grand Trunk Railway should be constructed, and estimates the cost of the bridge at the sum of \$6,000. This sum is assessed by the report against the railway company to be borne and contributed by it in case it does not exercise its option of constructing the bridge within a reasonable time and without unnecessary delay.

This application is opposed by the railway company on the ground that the estimated cost of \$6,000 for the bridge is entirely too small and that it will cost a sum very greatly in excess of that amount, and also on the ground that before its plans are considered the Board should satisfy itself that the proposed works are not only proper but necessary for the accomplishment of the purpose intended, and that if the work is executed the safety of the public will not be jeopardized. The company urges that the Board should have one of its engineers look into the matter and determine, and pass upon the necessity and practicability of proposed scheme of drainage, and urges that

directions of the Board made in the past under the rulings of the late Chief Commissioner, Mr. Justice Mabee, are improper. The decision complained of confines the question to be passed upon by the Board to the character of the bridge or culvert which carries the railway track and decides that the Board has nothing to do with the matter of area to be drained, the legality of the proceedings, or other questions.

Under the Railway Act, section 251, the lands of railways with the exception that no drainage works shall be constructed or reconstructed upon, along, in, or across the railway or lands of the company until the character of such works or specifications, or plans, thereof, have been first submitted to and approved of by the Board, and that the proportion of the cost of the work is to be borne by the company as directed: are in exactly the same position as the lands of any other land owner in all provinces where by virtue of any Act proceedings may be taken by a municipality or land owner for drainage or drainage works. In Ontario such proceedings may be taken under the Municipal Drainage Act. The drainage scheme now in question is initiated and is to be constructed under its provisions. Under that Act protection is given land owners by right of appeal to courts of revision and drainage referees.

If effect is given to the contention now made by the Grand Trunk Railway Company in addition to the distinction noted between railway lands and those of other owners the Board would implement the Act by giving the railway companies a final appeal to the Railway Board against the whole drainage scheme on any grounds that the railway might choose to advance, and create a further distinction between railway and other lands not provided for or contemplated by the Act.

To my mind there is no room for any such contention, subsection 4, which is the section under which the Board acts in cases of this kind and which prevents any construction upon, along, in, or across the railway or the railway lands until the Board first approves of it, is confined entirely to that portion of the drainage works which is to be constructed on the railway property. The section is not drafted so as to in any way to interfere with the provincial legislation or jurisdiction except to the extent indicated for the obvious purposes that the Board will see that the works are sufficient and proper for railway operation, and for the safety of the travelling public. The direction of the late chief commissioner, in my view, is right and will in the future be followed.

July 29, 1913.

RE CULVERT ON GREAT NORTHERN RAILWAY, TYNEHEAD STATION, B.C.

The CHIEF COMMISSIONER:

This is an application made by the municipality of Surrey, B.C., for an order directing the Great Northern Railway Company to enlarge its culvert on the Clover Valley road, at Tynehead station, B.C.

The municipality's complaint, as developed at the hearing, showed that flooding has taken place on the line of the Daly road, at a point south of a railway spur which has been laid across the said road to a mill near the south side of the Hjorth road. It was stated that the water at times has been so deep that the corduroy on the Daly road has floated and the railway track has been covered.

The necessity for drainage being clear, Assistant Engineer Kerr was instructed to make an inspection, and a recommendation as to the best way to secure an adequate outlet for the water on the north side of the railway; and he has since reported that an open ditch should be constructed north of the railway from "A" to "B," as shown on the plan on file, point "A" being at the Hjorth road and point "B" about 2,000 feet therefrom, in a southeasterly direction, at a culvert under the said railway.

Therefore, an order should go directing the Great Northern Railway Company to construct, on the north side of its railway, at the place in question, a ditch of adequate width and depth, with the bottom of uniform grade, from "A" to "B," that

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the water complained of may run in a southeasterly direction from Hjorth road to the culvert mentioned above.

The drainage of the land south of the track will have to be looked after by the municipality in connection with its road construction.

Commissioner Mills concurred.

Order issued accordingly.

November 20, 1913.

RE FENCING ALONG C.P.R. AT SAVONA, B.C.

The CHIEF COMMISSIONER:

The Board's attention has been called to a lack of fencing in the neighbourhood of Savona, B.C., along the line of the Canadian Pacific Railway.

It appears that, acting under the provisions of the amendment made to the Railway Act in 1911, an application was made by the railway company for an order of the Board excusing fencing at a large number of points along the line of railway in British Columbia.

It is beyond all question that at many points in British Columbia fencing would be merely a waste of money, particularly in the sections which are largely covered by the application, where the line is built along the Thompson and Fraser rivers on the one side, and there are mountains and bluffs on the other side.

At the point in question however, which was a point where fencing was excused for a distance of something over three miles between Savona and Pennys, the bluffs and the river—which were given as the reason why fencing was unnecessary—would not now seem to apply, as cattle, as a matter of fact, have got on the right of way and have been killed. If as a matter of fact there is any necessity for fencing, although the line runs through a very rough territory, fencing, of course, should be maintained, while on the other hand it is equally clear that if there is no necessity whatever for it, it is equally inadvisable to compel the railways to throw away the money.

The fact of the necessity of fencing having been called to the Board's attention, order No. 20893 was issued. This order required the company to erect and maintain fences and directed the work to be completed within three months, and also rescinded the order relieving the company from erecting and maintaining fences in so far as that portion of its railway between Savona and Pennys was concerned.

Application is now made by the Canadian Pacific Railway Company for an extension of time for the reason that the ground is frozen at the present time, and asking that an extension should be given by the Board until the 15th of June next. There being no necessity to fence, the former order should not have been made in so far as this particular part of the railway is concerned. The former order having been rescinded, the company's statutory obligation arises. This statutory obligation is not an obligation which should be made subject to relief by temporary extension under these circumstances, as an extension of the time within which the fences are to be erected might be construed as relieving the company from its statutory obligations during the extended period for fence construction. As the company's liability to fence is not under the Board's order, but is under the statute, in my view this should not be done. On the other hand, the engineer reports that the request, owing to frost, is reasonable, and that an extension should be granted.

Under these circumstances, it seems to me that the proper thing to be done is to issue an amending order, the effect of which would be to strike out the Board's direction that fences be erected and maintained on the railway between Savona and Pennys, and that the work should be completed within three months, and simply to cancel the former order relieving the railway company from erecting and maintaining fences along the portion of its line, in so far as that portion of its line between Savona and Pennys is concerned. The effect of this will be that the company cannot be said to be

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in default in connection with construction directed by the Board, but will leave the company liable for claims otherwise recoverable brought against the company in respect of cattle killed on this section of the track.

As the original order was made without notice to those who might possibly be interested in it, persons perhaps impossible of being ascertained at the time the application was made in 1911, and was issued on representations made by the company, this result cannot be said to be unjust. While all parties that may be interested cannot be notified of similar applications, I am of opinion that for the future the local municipal authority or, in case of unorganized districts, the proper department of the Provincial Government should be notified and if necessary heard before any order relieving the companies of the statutory duty to fence is made.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean and Goodeve concurred.

Order in accordance with the judgment, issued.

January 19, 1914.

Application of the Grand Trunk Pacific Railway Company, under Section 258, for approval of proposed station site and station at Fort Fraser, mile 572, Prinee Rupert East, in the northwest quarter of section 22-13-15, coast district, B.C.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, held in Ottawa, May 7, 1913:

The Board is of opinion that the station should be on the east side of the river. We are of opinion that it is feasible and would be the proper place to have the station, and so much negotiation has gone on and so much encouragement has been given to the applicants, that we think the scheme should be carried out by the railway company.

We have not considered the details of the draft agreement which Mr. Chamberlain refused to confirm. We have a copy of that on file before us.

Before making an order embodying conditions, we would much prefer that the parties would come to an agreement and file that, and then we will let an order go approving of the station grounds subject to the conditions of the agreement.

Perhaps now that the Board takes the responsibility of deciding that the station is to be on the east side of the river, Mr. Chamberlain can make an agreement with the applicants.

We will wait for three weeks for an agreement to be put in, and if the Grand Trunk does not agree, then we will have to make an order with such conditions as we see fit.

Mr. BIGGAR: Mr. Chamberlain—

The ASSISTANT CHIEF COMMISSIONER: I think Mr. Heaman is a better engineer than Mr. Chamberlain.

Mr. BIGGAR: Some information has been given to the Board which we were entirely unaware of, and I think if Mr. Chamberlain knew of it at the time he would have said "Well, you can have the agreement."

The ASSISTANT CHIEF COMMISSIONER: Let us have an agreement within three weeks, and we will get out an order embodying that agreement.

Order issued, subject to terms of agreement entered into between The Dominion Stock and Bond Corporation, Limited, and the applicant company, dated July 4, 1913, approving of the proposed station.

GRAND TRUNK PACIFIC RAILWAY COMPANY'S STATION, FORT GEORGE.

ASSISTANT CHIEF COMMISSIONER: On the 5th March, 1912, the Board heard an application of the Natural Resources Security Company—the owners of the townsite of Fort George—for the location of a station on the Grand Trunk Pacific at or near the

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Fort George townsite. No final decision as to the location of a station was reached by the board at the time, and the matter was, as far as the Board was concerned, permitted to remain in abeyance.

In an application, dated 24th January last, the Grand Trunk Pacific Railway Company applied to the Board for the approval of its station site and station at Prince George, at M. 466-3, Prince Rupert East. After the usual investigation by the operating department of the Board the approval of the location was recommended and order No. 18902, dated 29th March, 1913, was issued by the Board approving of that station site.

At the time that order was made, the Board was not aware that the Prince George Station site, for which the railway company had applied for approval, in any way conflicted with the Fort George station which the Natural Resources Security Company had applied for more than a year ago; and, upon it being brought to the attention of the Board that the Prince George site, approved of by the order above mentioned, was detrimental to the interests of Fort George, this matter was set down to give all parties an opportunity of being heard.

At the sittings of the Board on the 6th instant, the railway company was heard in justification of its Prince George site, and parties interested in Fort George and South Fort George were also heard in favour of or against a station which would better accommodate those interested in Fort George, than the station suggested by the railway company.

A number of buildings have been erected and considerable population now exists at both Fort George and South Fort George. The former is on the south bank of the Nechace river, just west of the Indian reserve now owned by the Grand Trunk Pacific upon which they desire to erect their Prince George station; and South Fort George is on the west bank of the Fraser river some distance south of the railway.

It seems to me in deciding on a location of a station, there are three interests to be considered. First, those of Fort George; second, those of South Fort George; and, third, those of the railway company. When the matter was up before the Board, in March, 1912, it was suggested by our chief engineer that the station might be located at a point on the railway three thousand feet east of the eastern boundary of the Fort George townsite. This is at a point on the railway known as station 950. At this point, there is a grade of two-tenths of one per cent rising westerly. This grade is maintained for three thousand feet until it reaches Fort George townsite, where it is increased to four-tenths of one per cent. Our engineer assures us that a two-tenths of one per cent grade is not objectionable for the location of a passenger station. A station in the townsite of Fort George would, in my opinion, be objectionable, not only on account of the grade; but, because of the fact that the railway will run along the side of the river bank some distance below the grade of the streets in the townsite and some distance above the level of the river. The point suggested by the railway company for its Prince George site is about seven thousand feet east of Fort George, at a point slightly lower than the point recommended by Mr. Mountain; and, it is contended that it would be liable to be flooded by the high water of the two rivers in the spring of the year. In my opinion, the railway company's site is not desirable, because it is too far away from Fort George.

I think we should select the site suggested by our chief engineer, which is three thousand feet east of the Fort George townsite as the best place for the station. That point is about equi-distant from Fort George and South Fort George, and the surrounding territory will permit of suitable highways being constructed to both these points. It is within the Indian reserve owned by the Grand Trunk Pacific, and will therefore serve the Grand Trunk Pacific townsite which is laid out on that reserve.

Therefore, bearing all interests in mind, I think the site I have decided upon should be adopted by the board. Order No. 18902 of the 20th March last should be

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rescinded, and the railway company should be requested to file a plan showing a station at a point three thousand feet east of the eastern boundary of Fort George township.

The railway company point out that there is a bank south of the point I suggest for the station which runs parallel to the railway and is from 600 to 800 feet south of it. This has been carefully considered by us with our chief engineer, and we are satisfied, notwithstanding this bank, that the site I suggest is the best one to be adopted.

Messrs. Commissioners Mills and Goodeve concurred.

Commissioner McLean dissented.

May 10, 1913.

Complaint of certain freeholders of the townships of March and Torbolton, against the station site selected by the C.N.O. Railway.

Oral Judgment delivered by Assistant Chief Commissioner Scott at the hearing, September 16, 1913:

In this matter the application from the railway company to the board, for approval of the station ground was dated the 4th of July, 1912, and was received by the board on the 1st of August. There is evidence it was served on the municipal clerk on the 17th of July. The application went to our operating officer, who recommended the approval of the station site.

We wrote the township clerk on the 7th of August saying we had not heard from him, although notice of the application had been served on him, and we would like to know what the municipality had to say. We did not get any reply, and on the 27th of August, we issued order No. 17342 approving the location applied for by the railway company. A few days after we got a letter from Mr. Richardson, the municipal clerk, saying the municipality approved of the location of the station. The letter was dated September 9th.

Nothing further was heard by the board in this matter until August last. Then, we had a letter from the applicants asking for the reconsideration of the order. We heard from Mr. Greene objecting to such reconsideration, and the matter was set down to be heard.

The railway company, in the meantime, acting on our order, went on and did considerable work, bought the land for station grounds and graded the siding. The railway company point out that the site at mileage 22 is the best from their point of view on the question of water and so forth.

The majority of us feel, Dr. Mills dissenting, that the railway company should not now be asked to change. The order as issued will stand. As between the merits of one location and the other, to my mind there is not much to be said; one is pretty nearly as good as the other. Perhaps lot 27 might have been a little bit better from the point of view of the residents, but the matter was settled a year ago in good faith, and we cannot allow the township to change it.

Mr. YOUNGHUSBAND: If they bought the land before you approved would that make any difference?

The ASSISTANT CHIEF COMMISSIONER: It would not have made any difference.

No order will be necessary. The order already issued will stand.

COMPLAINT OF CERTAIN FREEHOLDERS OF THE TOWNSHIPS OF MARCH AND TORBOLTON
AGAINST THE STATION SITE SELECTED BY THE CANADIAN NORTHERN ONTARIO
RAILWAY COMPANY.

Mr. Commissioner MILLS: On the line of the Canadian Northern Ontario Railway from Toronto to Ottawa, two stations in the county of Carleton were fixed upon

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—Torbolton and South March—between 10 and 11 miles apart, the former to accommodate the village of Woodlawn and the latter the village of South March. Between these two villages is the village of Dunrobin, about $4\frac{1}{2}$ miles by the railroad from Torbolton and about $6\frac{3}{4}$ miles from South March. The company finally decided to put a station between Torbolton and South March, and those knowing the location and the facts, naturally expected that the additional station would be as near the village of Dunrobin as possible, say at the town line, about one-third of a mile from the village; but under some influence—alleged to be that of a certain member of the municipal council—the company selected a site about $4\frac{1}{2}$ miles from South March, at a point where the said councillor or councillors and some other interested parties hope to have a new village and a summer resort.

The board, having been duly notified by the clerk that the municipal council was in favour of the site about two miles east of the village of Dunrobin and $4\frac{3}{4}$ miles from South March, issued an order approving of the said site; but subsequently certain members of the said council declared in writing, and orally at the hearing of the case, that the council in question never approved of the site, as represented to the board;

Having read the statements, minutes, and affidavits pro and con in the dispute, I express no opinion as to what the said council actually did; but I have long felt that the sidetracking of an old, well-established village by a railway company should not be permitted, unless under exceptional circumstances, and for the best of reasons.

Dunrobin is one of the oldest villages in the county. It contains "churches, a hall, a blacksmith shop, woodworkers, agents, a cheese factory, a general store and post office," etc.

It is alleged that eighty-four or eighty-five families call regularly for their mail at Dunrobin post office; and, after a careful perusal of the correspondence, an examination of the petitions sent to the board, and due consideration of the evidence given at the hearing, I think the only substantial reason for refusing to change the site to a point beside the town line, about one-third of a mile from Dunrobin, is the fact that the company, relying on the board's approval of the site on lot 22, at the concession line, $4\frac{1}{2}$ miles from South March, has purchased land for a yard, and done some grading for one or two sidings at that point—and this is met by the applicants offering, privately, since the hearing, to give in exchange the same acreage of equally good land, with an adequate supply of water and other facilities, for a station on lot 27, at the town line, one-third of a mile from Dunrobin; and to do free of charge on lot 27 as much grading for sidings as the company has done on the said lot 22.

In view of these facts and circumstances, I cannot concur in the judgment delivered at the hearing of the case on the 16th of September, 1913; and I am strongly in favour of a rehearing or anything else which may possibly secure what I consider fair treatment of the business men, few or many, and others who live in the village of Dunrobin—a population of 100 in 1911.

September 30, 1913.

RE CANADIAN NORTHERN RAILWAY COMPANY'S STATION, M. 22, COUNTY OF CARLETON.

ASSISTANT CHIEF COMMISSIONER:

At the sittings of the board at Ottawa, on the 16th of September last, we heard an application on behalf of certain residents of the townships of March and Torbolton, in the county of Carleton, for the rescission of order No. 17342 of the 17th August, 1912, which approved of the location of a station at mileage 22 in the township of March on the C.N.R. line; and, for an order directing the railway company to locate a station on the town line between the townships of March and Torbolton, at the village of Dunrobin.

After hearing all concerned at considerable length, the board came to the conclusion (Dr. Mills dissenting) that the order approving of the station site at mileage 22 as applied for by the railway company should not be interfered with. The reasons for coming to that conclusion were expressed by me in an oral judgment delivered at the hearing.

We have now received an application for a rehearing of the application, which we disposed of at our sittings on the 16th of September; and, after considering the facts submitted to us, the board has come to the conclusion (Dr. Mills dissenting) that this matter should not again be opened up.

At the hearing there was a good deal of dispute between the parties asking for the location of a station at Dunrobin and those supporting the Order of August 1912, as to whether the municipal council of the township of March had or had not approved of the location of a station at mileage 22. Since the hearing, both parties have supplied the board with additional evidence on the question; one endeavouring to show that it was considered by the municipal council of the township; and the other that it was not so considered. I thought that I made it clear in expressing the conclusions of the board at the hearing in September last, that that was not a material point in our coming to the conclusion we did; but, since the parties have laid stress upon it, I think it well to point out that the board in issuing the order it did in August, 1912, was in no way influenced by any action, or lack of action, on the part of the municipal council.

The application sent to us by the Canadian Northern Railway Company for approval of its station grounds at mileage 22, was dealt with by the board as we deal with hundreds of similar applications. We waited even longer than the usual time allowed by the rules of the board for a reply from the municipal council to the copy of the application which had been served upon it by the railway company; and, as no reply was received, the plan was, on the recommendation of the chief operating officer of the board, approved, on the 27th August, 1912, by the above mentioned order No. 17342. Copy of that order was sent by our secretary to the clerk of the township on September 6, 1912; and, some days afterwards—on September 12, 1912, we received a communication from the township clerk to say that the municipal clerk approved of the station grounds. As has been pointed out, it is contended by those asking for a rehearing of this matter, that the municipal clerk was not authorized to write that letter. As the letter was not received by us until some days after our order was sent out, it is quite clear that we were in no way influenced by the action or lack of action of the municipal council.

A certified copy of our order, approving of a station at mileage 22 having been sent out to the railway company as well as the municipality, the company acting on that authority proceeded to lay out station grounds at that point. It has acquired the land, and has done some, if not all, the grading necessary to put in a siding, and it has also arranged for suitable water supply should it be required for operating purposes at that point.

The distance between the station in question, at mileage 22, and the next station on each side of it, has been arranged by the railway company to suit its own convenience. Our order was based on the position that the distance between this and the next station was not unreasonable so far as the prospective users of this station was concerned. In Western Canada, stations seven miles apart are not considered to be unreasonably located in country districts. Here, we have a station four and three quarter miles from one station, and about six and one-half miles from another. The railway company was heard at the sitting in September and urged that the arrangement of its stations be not interfered with.

Having these matters before it, the board came to the conclusion at the September sittings that the order of August, 1912, should not be interfered with; and, after con-

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sidering what has been submitted by the applicants for a rehearing, we are still of the same opinion.—Dr. Mills dissenting.

The parties should, therefore, be advised that their request for a rehearing is refused.

Messrs. Commissioners McLean and Goodeve concurred.

October 7, 1913.

G.T.R. STATION AT PRAIRIE SIDING, ONT.

The CHIEF COMMISSIONER:

This is an application for an order directing the Grand Trunk Railway Company to build a proper station and platform for passengers, a freight shed, and a freight and express platform, and also directing the company to appoint an agent at Prairie siding, Ont.

It appears that the earnings at this station for the year ending July 31, 1913, amounted to \$4,325.19 on the outward business and \$1,421.85 on inward business, or \$5,747.05 in all. Passenger fares collected amounted to \$819.70, so that the total freight and passenger earnings at the station amount to \$6,566.75.

From the inspector's report, it would appear that there is a small shelter now erected, which is not properly looked after and is at present in a dirty and dilapidated condition, while the company has supplied no freight shed or platform of any character.

Under the standard requirements, the earnings at this point do not warrant the appointment of an agent. The company, however, has been doing a fair amount of freight business, and should, I think, build a small freight shed with an appropriate platform. The passenger earnings are such that the board would not be justified in ordering the construction of a passenger station. The present shelter, however, should be put in a proper state of repair and kept clean. The company should also pay some attention to keeping the place in a proper condition in future, and must make the necessary arrangement for caretaking.

The company to file a plan of the proposed freight shed and platform within thirty days.

Assistant Chief Commissioner Scott concurred.

December 15, 1913.

RE BULSTRODE STATION, QUE.

The CHIEF COMMISSIONER: This matter seems to have been very unduly delayed, and there has been much unnecessary difficulty in obtaining information as to existing traffic conditions.

I notice that after the matter has been pending for a long time, the report of the chief operating officer requiring, within thirty days, a statement showing separately the railway's earnings on freight received and forwarded, as well as the earnings on passenger traffic, was adopted by the board, and a letter written to the company on November 14 requiring this information. The only information given shows in bulk the freight earnings of the station for the year. The question is entirely considered by the railway from the freight standpoint, although it is said by the company that there are no tickets sold at that point, and that it is impossible to show passenger earnings as conductors' collections are not available. There is a passenger business done to and from Bulstrode from which the company receives more or less money. It may be the company's misfortune that it has not got the figures on hand; that certainly is not the fault of the applicants. The fact remains that it is impossible to drive from the highway towards the station by reason of an open ditch which is maintained by the

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company. Irrespective of all traffic it cannot be said that such a condition supplies reasonable and proper facilities either for receiving or for delivering traffic at this station.

There does not seem to be much doubt that Mr. Bond at one time recognized the obvious position and consented to move the station. This, of course, does not bind the company, nor does it change the rights of the parties one way or the other. It is, however, probably the only conclusion that anyone taking the trouble to go to Bulstrode could come to.

The question is not one of receipts; so, in my view, the company should be given the option of placing the station on the site already suggested as shown on the blue print referred to in Mr. Nixon's report and forwarded to the company under date of November 18th, 1913; or at once constructing an adequate culvert to provide for the drainage now afforded by the ditch across what would be the proper highway approach, —and thus be made to furnish the public with proper access to the station.

The company will make its election within seven days. In the absence of such election, an Order will go directing the company to locate the station on the site shown on the blue print, which is of date January 6, 1913, and certified to by Mr. Bond of the company's engineering staff.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean and Goodeve concurred.

December, 20, 1913.

REMOVAL OF AGENTS FROM AGENCY STATIONS.

ASSISTANT CHIEF COMMISSIONER:

For some weeks past the board has received many complaints from places in the western provinces where permanent agents had been established by railway companies, that the agent was being removed and the station turned into a flag station. So numerous were these complaints, that the board thought it proper to issue general order 119, requiring railway companies who intend to remove a permanent agent from a station and make the station a flag station, to first notify the local municipality, or Board of Trade, of its intention to apply to the board; and, then send in to the board an application for permission to close the station, with a statement of the grounds upon which such action was to be taken.

When a railway company opens a station and appoints a permanent agent there business in that locality is built up on the assumption that the station will continue to be a permanent station. The board thinks it proper that it should be consulted, and that those representing the public should be heard before such a station is closed by a railway company. The services given by a railway company at a station where there is a regular agent, and at a flag station, are very different; and, it may amount to a great hardship to a community suddenly to have its station closed.

The board has no intention of interfering with a railway company in practicing economy by closing a regular station, if the facts of the particular case warrant such action; but, as the closing of a station has such a material effect upon the interests of the public who have been using that station, the board should have an opportunity of determining in each case upon its own merits whether the railway company would be justified in closing a regular station or not.

At the hearing, the point of view of the railway companies was clearly set forth. We realize the necessity for prompt action in all cases where it is reasonable that a company should be permitted to close a regular station. No general rules can be laid down. Each case will have to be dealt with on its merits. The intention of the board in issuing general order 119 was, that it should apply only to cases where the company desired to close a regular agency station and make that station a flag station. It was

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not intended to apply to cases where a special agent had been temporarily employed to look after some particular class of business which was of a temporary nature.

No order is necessary in this case.

Messrs. Commissioners McLean and Goodeve concurred.
February 19, 1914.

APPLICATION, LACHINE, JACQUES CARTIER AND MAISONNEUVE RY. CO. TO EXPROPRIATE LANDS OF MONTREAL GAS CO., FOR DIVERSION OF HARBOUR STREET, MONTREAL.

The CHIEF COMMISSIONER:

This is an application made by the Lachine, Jacques Cartier and Maisonneuve Railway Company, under section 178 of the Railway Act, for authority to expropriate certain lands from the Montreal Gas Company, as lands required for the diversion of Harbour street in the city of Montreal; and the application is opposed on behalf of the gas company.

The location of the applicant company's line of railway was approved by the board's order No. 15776, dated January 12, 1912.

Subsequent application was made by the company for permission to construct its line of railway across a number of highways including Harbour street; the application was heard at a sitting of the board held in Montreal on February 22, 1912; and order No. 16181, dated March 28, 1912, was subsequently issued. By this order the applicant company is empowered to divert Harbour street adjoining Ontario street, between Elm and Harbour streets. The diversion is required by the municipality; and, at the hearing of the present application in Montreal, on July 9, 1913, the municipality insisted on retaining the said Harbour street as diverted.

On the present application, the matter really is not open for the board's untrammelled consideration, as in the case of an original application. The above orders have been acted upon, moneys have been expended thereunder, and no application has been made to rescind either of them.

It should further be noted that Mr. Montgomery, who appears for the Montreal Gas Company on this application, appeared before the board at the sitting in Montreal on February 22, 1912, when the diversion was ordered. The record shows that Mr. Montgomery on that occasion appeared for the Montreal Light, Heat and Power Company, which company controls and operates the properties of the Montreal Gas company, and sets out in its annual statement certain facts and figures regarding the operation of the gas plant.

No question was raised by Mr. Montgomery at the sitting, except that, in connection with Harbour street, he brought up the question of gas pipes, stating that the gas company's works were located on Harbour street, and that the entire city of Montreal was supplied from those works. His anxiety, then, seemed to be confined to the question as to how the gas mains and pipes of the company would be provided for.

Be this as it may, the fact remains that the gas company was represented at the time the original order was made, and no appeal has ever been taken from the order which renders necessary the diversion of the said street and the taking of property for that purpose.

The applicant company shows that the lands it now desires to expropriate from the gas company are absolutely necessary for the diversion of Harbour street as ordered, and that, for the purpose, there is no other land suitable that can be acquired at such place upon reasonable terms and with less injury to private rights.

I find, as a fact, that the company has established this, and that its evidence has not been contraverted by any statement made or evidence given by the gas company.

The gas company rests its case really on the fact that it is a public utility corporation, and that its lands are already in use for public utility purposes—the com-

pany's engineer stating that the property in question is used for the storage of material required for the purification of the gas; that the company proposes to extend the purifying house on that side, *i.e.*, on the lands proposed to be used for the diversion of Harbour street; that the company is increasing its coal gas production by about 30 per cent; and that, in order to provide for such increase, it is necessary to take care of the purification of gas in the proposed extension. The engineer then admits that the land is required for the diversion of Harbour street.

Under the circumstances, Mr. Montgomery's argument on behalf of the gas company goes, in the first instance, to the question of the right of the board to authorize the expropriation of lands already dedicated to a public purpose. There is no doubt that many authorities show that a clear distinction exists between the right to expropriate property already devoted to public purposes and that put to a private use.

The question, however, of the right to expropriate, under the Railway Act, lands already put to a public purpose under a provincial statute, was considered by the late Chief Commissioner, Mr. Justice Mabee, in the case of Toronto and the Grand Trunk Railway Company. In that particular case, at the time the application for expropriation was made, the municipality had passed a by-law expropriating for the purpose of its power line a strip of land adjoining the railway. The expropriation of this strip was allowed after a contested hearing at which objection to the board's right to order expropriation was made on the same ground as is taken here. I propose to follow this authority and to hold that, as a matter of law, the board has the right to authorize the taking of the lands of the gas company.

Without discussion of the matter at greater length, it is obvious that, owing to the peculiar character of railway undertakings, the work of railway construction might be delayed and, in some instances, rendered well nigh impossible, if effect were given to the gas company's contention and the scope of Dominion legislation thus limited.

The gas company objects, also, on the ground of irreparable damage and balance of convenience—or perhaps of necessity.

Further, the gas company offers to exchange the property sought to be taken for other property of a similar area adjacent to its works, and which it suggests the railway company should be directed to acquire. I asked at the hearing how this adjacent property could possibly be expropriated by the railway company. Mr. Montgomery stated that he understood the owners were willing to sell, and that it was merely a question of price. It appears that it was in the interest of everybody that this arrangement, if possible, should be carried through; and the matter was allowed to stand, to see if an adjustment could not be made. The land has not been purchased—the applicant company alleging that the prices asked are prohibitive, and that the Montreal gas company itself had previously desired to purchase the property but had abandoned it on account of the excessive price asked.

It is hardly necessary to say that, as a matter of law, a railway company cannot expropriate property for the purposes of a gas company.

The applicant company has complied with the requirements of the statute. The land is required for a street diversion which the city insists on and is entitled to. In my view, therefore, an order for expropriation should go as applied for.

While the board has nothing to do with the question as to when the property expropriated may be taken possession of by the railway company, and while it does not appear that the property to be expropriated is to-day put to any considerable use in the manufacture of gas, I am of the opinion that while the arbitration should proceed at once, the railway company should not make application for possession until the gas company has had a reasonable opportunity to make such arrangements as may be necessary to ensure a proper supply of gas for its customers.

Commissioner McLean concurred.

September 25, 1913.

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APPLICATION OF THE ONTARIO AND QUEBEC RAILWAY COMPANY TO EXPROPRIATE LANDS OF THE
TORONTO AND NIAGARA POWER COMPANY, NEAR ISLINGTON.

Assistant CHIEF COMMISSIONER: This matter came before the board at the Ottawa sittings on the 4th November last. The applicant, which is really the Canadian Pacific Railway Company, applies to take a strip of $8\frac{1}{2}$ feet of the northern boundary of the Toronto and Niagara Power Company which adjoins the Canadian Pacific Railway Company's right of way on the south. The object of the application is to provide room for the southern dump for a passing track which the railway company desires to establish just west of its Islington station. The traffic on the railway has materially increased, and this passing track is necessary for the satisfactory movement of trains on the railway. The company's plan which is submitted with its application shows that the track itself will be upon the company's right of way; but that the embankment holding up the track on the south will run over on to the property of the power company.

The power company has erected a number of towers on its own property; the arms of which towers do not extend to the present northerly limit of the power company's right of way.

We are advised by our electrical engineer that if the application is granted and the proposed passing track is constructed that the smoke from locomotives on the proposed track would be an element of danger to the power company's wires. Therefore, if the railway company is to have this extra land, and it appears necessary that it should acquire it, unless it wants to go to the expense of building a retaining wall along the southern boundary of its right of way (and, in such event it would not be necessary for them to ask the board to consider the present application) it should be given the right to take the land only on condition that the poles of the power company affected by the extra width now applied for, should be moved southerly so that the wires on such poles would be a safe distance away from the new track which the railway company desires to construct.

The moving of these poles would not be a very serious or expensive matter for the railway company to undertake; but, the power company contend that in addition to the line of poles in question and another line of poles on the south side of its right of way, it desires to put a third pole line upon the right of way, and therefore it requires the full width of the present right of way for this purpose. Our engineer assures us that if a third pole line is to be erected on the power company's right of way, that it should be given a strip of property south of its right of way of the same length and width as the piece of property on the north of its right of way which the C.P.R. now desire to take.

The Canadian Northern Ontario Railway Company has a location for a railway approved by the board parallel to and directly south of the power company's right of way, and if additional land south of the power company's right of way is to be acquired by the Canadian Pacific to give the power company in substitution for the land the C.P.R. desire to take from the power company, it will be necessary for the C.P.R. to acquire the strip south of the power company's right of way from the Canadian Northern Ontario Railway Company.

This matter has been taken up with the Canadian Northern Ontario Railway Company and that company objects to a portion of its approved location being taken for the power company. However, our chief engineer, Mr. Mountain, reports that the Canadian Northern Ontario Railway Company's line has not yet been constructed at the point in question, he sees no objection to a portion of the right of way being taken for the purpose of the power company, provided, additional land is acquired for the Canadian Northern south of its right of way.

I therefore think an order should go granting the Canadian Pacific Railway Company's application, upon condition that it, at its own expense, move the power company's poles to such location as the electrical engineer of the board shall determine;

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and acquires for the power company a piece of property south of the power company's present right of way, of the same width and length as the property the C.P.R. now applies for.

If the Canadian Pacific Railway Company and the Canadian Northern Ontario Railway Company cannot arrange this matter without the intervention of the board, a subsequent application can be made.

Messrs. Commissioners McLean and Goodeve concurred.

Further submissions were filed by the Canadian Northern Ontario Railway Company, alleging that if a portion of its approved location were taken for the power company, this would place a kink in its main line, and that if the judgment was carried out it would mean that the company would be prevented from having passing sidings similar to what the applicant company is now asking for, if the extra land were taken.

After further considering the matter, the applicant company decided to put the track on its own ground and support it by a retaining wall, and the application was therefore withdrawn.

January 22, 1914.

CANADIAN NORTHERN CUT-OFF, WINNIPEG, MAN.

The CHIEF COMMISSIONER:

From advice received subsequent to the hearing, I was in hopes that some of the matter involved in this application could have been adjusted between the parties, particularly a rearrangement of highway and tracks on Pembina highway so as to provide for the construction of a proper and commodious subway under the railway tracks, a work which would require not only a rearrangement of the tracks, but some diversion in the highway itself. Unfortunately, however, from the latest advices received from Mr. Hunt, no arrangement of any kind has been come to, and the importance of the cut-off to traffic conditions is too great to be allowed to stand any longer. As, however, I understand the municipalities have taken the matter up with the railway companies, and doubtless would like to adjust it in a manner that would suit conditions to their own satisfaction, I think that the work west of Pembina highway might stand until the board's next sitting in Winnipeg, when the parties may again speak to the matter if they desire, and if no agreement is come to, an order will be made. The rearrangement at Pembina highway and extended railway facilities at that point are matters concerned more with permanent adjustment than with the necessities of this year's crop, and were really projected into the case at the rehearing. The original Canadian Northern Railway application merely called for an approval of the plan curving southeasterly along the right of way owned by the Winnipeg Electric Railway Company.

An order will go allowing the location as originally applied for on the terms mentioned at the hearing, which shortly are:

(1) A subway to be constructed by the company on the line of Pembina street; if the city desires to open the highway and does not at the present time elect that the railway company shall build a foot-subway, the subway to be of the full street width of 66 feet, built according to the plans and specifications to be approved by an engineer of the board.

(2) The company will also install and operate a half-interlocking plant at the crossing at Pembina street of the tracks of the Winnipeg Electric Railway Company, plans of the interlocker to be approved of by an engineer of the board.

(3) Gates to be erected and maintained by the Company at the crossing of Jubilee avenue. Representations have been made as to danger in the future at this point; the traffic at present is light, and does not require grade separation. It should be noted, however, by the parties that, should grade separation become necessary, the railway company, under the Act itself, has to be at the whole expense.

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(4) As a condition of the order, the approval of any spur track into River park should be not only subject to the usual terms of the Railway Act, but also to sanction by a by-law of the municipality approving of its construction.

(5) A further condition to be imposed is that the Company makes compensation to the owners of the houses and buildings lying between the right of way and Jubilee avenue.

It is unnecessary to add anything to what was formerly said on the question of general damages. The owners of the houses now built, however, are in a position of special hardship. The houses are built for summer houses; they will immediately abut on the railway, and can no longer be used for such purposes. It may well be that with the industrial development and great growth of Winnipeg, the real estate on Jubilee avenue, as real estate, may become very valuable as a result of the company's operations; but these buildings as constructed can be put to no other use. They are destroyed. The approval now given can afford but a partial solution of the ultimate disposition of the case. The cut-off must be built sooner or later across Pembina highway, and the Grand Trunk Pacific allowed to make connection with the cut-off line.

The plan submitted by the Winnipeg North-Eastern Railway Company, dated December 31, 1912, seems to show a reasonable solution in rearrangement of tracks, diversion of highway, and subway facilities at Pembina highway. The parties will understand that the rearrangement must be made at a point somewhere approximating the point shown on the plan, as no other cut-off will be permitted in the neighbourhood, and that the Grand Trunk Pacific must use the cut-off now authorized.

The matter of electrification of terminals spoken to at the hearing has as yet not been sufficiently advanced to make any direction one way or the other. The matter of electrifying the cut-off will have to be dealt with when more detailed information can be obtained, and in conjunction with the rest of the Winnipeg terminals.

The approval now granted is on the lines of the original plan merely to the east side of Pembina street. The board has no request before it for anything more, as at the rehearing a plan was produced showing that the Winnipeg and North-eastern Railway Company's right of way had been located to that point, and it was represented that the Canadian Northern Railway would use this right of way. As a matter of fact, the construction west of this point is also asked by the Winnipeg and North-eastern Railway Company instead of by the Canadian Northern. This board has no jurisdiction over the former railway, and has no right to approve its plans. The order will, therefore, go permitting construction by the Canadian Northern.

Since the hearing, owing apparently to the fact that the Winnipeg and North-eastern has taken no actual steps in securing its right of way, a certain part of the plan has been set aside by His Honour Judge Robson, Commissioner under the Public Utilities Act of the province of Manitoba. I do not think this board should at present interfere with the right of way previously approved by the local authority, and the plan approved is, therefore, merely carried to the east side of Pembina street, which is all—as a matter of fact—the company is asking.

It must, however, be clearly understood that the authority to construct, which is now granted, is for the purpose of the cut-off. The work to the east should be proceeded with either by the Canadian Northern or the Winnipeg and North-eastern Railway Company. The abandonment of this work might mean that with municipal consents subsequently obtained, the present work of construction would merely mean the creation of another railway yard. The authority to construct now given, therefore, is subject to the condition that the cut-off, as a whole, is constructed. The order will contain a provision that, unless the cut-off as a whole, as shown on the plan of the portion now approved and the approved plan of the Winnipeg and North-

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eastern Railway Company, is constructed by the 1st of September next, the sanction and approval now given will be cancelled.

Commissioner McLEAN concurred.

April 26, 1913.

RE C.P.R. SPURS—CITY OF WINDSOR, ONT.

APPLICATION of the Canadian Pacific Railway Company, as lessees of the Ontario and Quebec Railway Company, to construct a spur and four sub-spurs from a point on its right of way on the southerly side of London street between Caron avenue and Salter street, in a northerly direction to the southerly boundary of Sandwich street, in the city of Windsor, Ontario.

Mr. COMMISSIONER GOODEVE: The report of the board's Inspector Harris seems fully to bear out the evidence given before the board at the hearing at Windsor on the 8th February last in regard to the very heavy traffic passing over London street at this point. There has also been placed on file a letter from Robert Timms, dated March 5th, pointing out that in the near future a double line of street railway will be necessary on this street, and crossing at the point in question.

In view also of the evidence of the Windsor Board of Trade, the mayor and some members of the council, and other prominent citizens who appeared before the board, and made it clearly evident that the citizens almost universally are opposed to granting this application, and after a visit, accompanied by representatives of the railway and of the city, to view a situation which it was pointed out was already owned by the railway company, and would give ample facilities for yards and freight shed, and all other necessary accommodation, without the dangerous crossing, or the destroying of the entrances by means of leading streets to the centre of the city, I am of the opinion, notwithstanding the convenience both to the railway company and the business men generally the more central location applied for by the railway would be, that their application should not be granted.

CHIEF COMMISSIONER DRAYTON and Assistant CHIEF COMMISSIONER SCOTT concurred.

May 5, 1913.

RE C.P.R. SPURS—CITY OF WINDSOR, ONT.

The CHIEF COMMISSIONER: I have had the opportunity of reading the judgment of Mr. Commissioner Goodeve, which refuses the railway company's application.

There is no doubt that the yard and freight shed which the company proposes to give Windsor is placed at the best point both for business and convenience, and that, should a freight yard be established by the Canadian Pacific at the property which it owns to the north, the additional distance will add considerably to the cartage costs.

The yard it proposes is better for the commercial interests of Windsor than that proposed by the city.

On the other hand, it is equally clear that no general movement is especially accommodated by the increased facility. The yard is entirely one for local freight, and would be an added facility to those that shippers at Windsor already enjoy.

This matter, therefore, has to be considered apart from the general transportation interests of the country. It is a matter for Windsor.

Frequently, in such cases, opposition is made by the municipality to street crossings; but the business interests of the community, as represented by Boards of Trade or the shippers themselves, require the proposed additional facility.

In this case, not only does the municipality itself strongly object to the crossing, which is necessary in order to utilize the railway's property for yard purposes, but

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the Board of Trade, representing the shippers and merchants, is equally vehement in its objections to the proposal.

It is true that the business of the country at present cannot be carried on without level crossings. It is also true that Windsor occupies a unique position. There are no level crossings in the municipality. The traffic at this point is—while not such as to prohibit a level crossing under ordinary circumstances—nevertheless heavy, and a track at this particular point has an added danger and drawback owing to the fact that the crossing would occur immediately opposite the approach to the highway bridge over the railway's main line, and would, in any event, require protection by gates and watchmen.

Under the circumstance, I therefore agree with the conclusions arrived at by Mr. Commissioner Goodeve.

Order issued refusing application.

May 9, 1913.

RE C.T.R. SPUR TO PREMISES OF J. G. BUTTERWORTH, OTTAWA.

..

APPLICATION of the Grand Trunk Railway Company, under sections 222 and 237, for authority to construct branch line and spur therefrom commencing on Chaudiere branch, west of Division Street, Ottawa, extending westerly across Rochester Street, at grade, and Mark Street (unopened), into the premises of J. G. Butterworth.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing in Ottawa, May 20, 1913:

This application is made by the Grand Trunk for the approval of a spur line into some property owned by Mr. Butterworth. It involves the approval by the board of a branch line under section 222 of the Railway Act, and also the approval of a crossing on the level over Rochester street by this spur.

The property is owned entirely by Mr. Butterworth or the Grand Trunk Railway Company. They are not asking to have powers of expropriation against any individual land owner.

The use which Mr. Butterworth will make of the property is one with which we are not concerned. The laws of the province will deal with him if he causes undue injury to any person who lives in that locality.

There is no reason why the application for a spur line should not be granted. As far as the crossing of Rochester street is concerned, there are now two tracks over that street, the main line and one leading to the Fraserville lumber yard of Mr. Booth. This additional track, approval of which is now applied for, will lead only to this coal property, and will be used only for slow movements into the coal yard.

It appears to us that it will be perfectly safe as long as there is a flagman there to protect the movements across the highway; that is, to protect people on the highway from the cars and engines of the Grand Trunk Railway.

We are not concerned with what has occurred between the Board of Control or the City Council and other parties. Of course, we always like to hear what the municipality has to say when an application for approval of a crossing over a highway is before us. In this case, the City Council has apparently decided to leave it to this Board. We have hundreds of these applications before us from time to time, and to my mind this is not going to be a dangerous crossing, and I do not think it is going to be detrimental to the parties in the vicinity. It seems to me that perhaps public opinion is unduly inflamed about it, and the best thing that we can do is to settle it at once by granting the application.

Mr. McVerty: The conditions will be attached to the order?

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The ASSISTANT CHIEF COMMISSIONER: Yes, the condition will be attached that the movements across the highway will have to be flagged.

Ordered accordingly.

RE SPUR CONSTRUCTION, RAILWAY CROSSING, AND REVISED LOCATION OF CONNECTING TRACK IN THE CITY OF HAMILTON.

The Toronto, Hamilton and Buffalo Railway Company applied for authority to construct two spurs in the city of Hamilton, as particularly described in the application: the Hamilton Street Railway Company applied for permission to cross, at rail level, the spur track belonging to the Steel Company of Canada on the base line between the Broken Front concession and the First concession; and the Grand Trunk Railway Company applied, under section 167, for approval of plan showing revised location of connecting track from its railway to the line of railway of the Toronto, Hamilton and Buffalo Railway Company, in connection with the layout of tracks serving the Steel Company.

These applications were heard at Ottawa, June 4, 1913.

At the conclusion of the hearing, Assistant Chief Commissioner Scott delivered the following oral judgment:

Perhaps I had better lay down one or two principles and then we can hear further from you gentlemen after I get through. We realize the advantage, practically the necessity to the Steel Company and the International Harvester Company of this additional track. If the Steel Company is to have all these tracks in here in its yard, and they are to be served, they certainly will, as a matter of economical operation, require a second track to feed them. It may be that the switches are not in the right place. That is a detail that our engineer will have to decide at a later date. It may be that, from the point of view of proper protection, the switches will have to be moved north or south. We do not know about that; but we realize that the application should be granted.

The city, with regard to Burlington street (called Gilkinson street), is senior to the tracks of the applicants.

There is an agreement between the Radial and the Steel Company affecting the existing track into the Steel Company premises which would govern one of the tracks which the Steel Company now desires to lay across the street. That is, it would govern one in substitution for the existing track which is to be removed; but with regard to the second track, we are of opinion that that agreement does not affect it, and that the second track which it is desired to construct would be junior to the Radial Railway.

The Hamilton Street Railway is junior to everything.

Now, with those facts ascertained, Mr. Staunton, do you want to take the order, or would you rather consider it and let us know later on?

Mr. STAUNTON: I would like to ask this: What is the board's view as to the cost of this crossing, if I may ask?

The ASSISTANT CHIEF COMMISSIONER: We do not know.

Mr. STAUNTON: It would require only one interlocker for the two.

Mr. COLEMAN: Let me ask a question, Mr. Staunton, that may change your answer. You did not mention the fact the Radial Railway desires, and if necessary will apply at once for, permission to put another track across there.

The ASSISTANT CHIEF COMMISSIONER: You will be junior then.

Mr. COLEMAN: That alters it somewhat, and that might alter their position.

The ASSISTANT CHIEF COMMISSIONER: There is nothing in that agreement affecting a second track for you. Therefore, you would be junior with your second track.

Mr. STAUNTON: So they will have to pay for two crossings, anyway.

The ASSISTANT CHIEF COMMISSIONER: Two crossings over one track.

Mr. STAUNTON: They have now to put in an interlocker if your board so orders. Now, one interlocker will serve the two tracks and we should not pay for that.

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The ASSISTANT CHIEF COMMISSIONER: Unless you would pay for one-quarter of it. The crossing of their second track over your second track.

Mr. STAUNTON: If the expense to them were increased by our second track, it would be equitable that we should pay.

The ASSISTANT CHIEF COMMISSIONER: The expense of maintenance would probably not be increased.

Mr. STAUNTON: Nor the expense of installation.

The ASSISTANT CHIEF COMMISSIONER: The cost of the diamond.

Mr. COLEMAN: A double track interlocker, of course, would be more expensive.

The ASSISTANT CHIEF COMMISSIONER: There are the diamonds and derails. There is some extra cost but not much.

Mr. STAUNTON: Under your ruling, whatever extra expense they were put to we might have to divide with them if the two were in there.

COMMISSIONER McLEAN: There would be the crossing of your second track over their first track.

Mr. STAUNTON: And they would have the crossing of their second track over our track so that they get back where they were. They would pay for the installation just the same under their bargain with us. I think that would be the net result.

Mr. COLEMAN: We will leave that adjustment to the board entirely.

The ASSISTANT CHIEF COMMISSIONER: Our engineer says that he is not sufficiently familiar with the layout to say what he would recommend with regard to the character of the interlocker. It certainly looks as if there should be an interlocker device of some kind there; either a half or whole interlocker. We cannot tell you now what our views would be, because we have to be fortified with the advice of our engineer.

Mr. STAUNTON: Do you mean as to cost?

The ASSISTANT CHIEF COMMISSIONER: As to character.

Mr. STAUNTON: You will put in an interlocker which will serve the public properly; but as a matter of fact the only interest we have is the question of the cost of that interlocker.

The ASSISTANT CHIEF COMMISSIONER: Do you want to lay your double track at once, Mr. Coleman?

Mr. COLEMAN: Yes, we are at work on it now.

The ASSISTANT CHIEF COMMISSIONER: Then, following this out in a mathematical way—

Mr. COLEMAN: You mean on the Radial?

The ASSISTANT CHIEF COMMISSIONER: Yes.

Mr. COLEMAN: Yes, it is safer to lay that track at once.

The ASSISTANT CHIEF COMMISSIONER: I should think it would be 75 per cent Radial and 25 per cent steel, when they get their double track down, for the protection. I do not mean the maintenance (the man who is to operate it), but the actual cost. There are four things to be done—four diamonds to be put in, and there are derails to be put in, and so on. Now, anything that has to be done with regard to your second track over there, first, extra and above the cost of the other, will be on your—

Mr. STAUNTON: Would be on us under your ruling.

The ASSISTANT CHIEF COMMISSIONER: Yes. The rest would be on the Radial.

Mr. STAUNTON: That is, they would have to bear all the expense that they carry as junior, and we would have to bear all the expense which we carry as junior.

The ASSISTANT CHIEF COMMISSIONER: That is right.

Mr. STAUNTON: That would not mean 75 per cent?

The ASSISTANT CHIEF COMMISSIONER: Not of the total cost. The maintenance might not be any greater, but the actual cost of the diamond and the actual cost of the derails would be paid by you.

Mr. STAUNTON: I would suggest that they have the installation, and that the board

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should say how much we shall pay in money, and not leave it to be worked out. Then, when they state how much it is, there will be so much money.

The ASSISTANT CHIEF COMMISSIONER: We generally lay down the principle and see if the parties cannot agree on the accounting. If not, our engineer will decide it. We have laid the principle down now, and we will decide the exact amount if you do not agree. If necessary, the board will decide the exact contribution to the protection.

Mr. STAUNTON: That does not involve, then, the cost of operating that machine when it is in? It is the installation?

The ASSISTANT CHIEF COMMISSIONER: Unless it would be one-quarter of the man's salary.

Mr. COLEMAN: That will be very slight, because I am assuming, and I think I will be right in the event, that your engineer will decide that it is the easiest and simplest thing to have a watchman there who will handle the three roads; a man in a tower to do the whole business, so that there will be very little expense on the senior.

The ASSISTANT CHIEF COMMISSIONER: Yes, I do not think it will affect their dividends a bit.

Mr. LATHAM: Will Mr. Mountain make an inspection of the ground?

The ASSISTANT CHIEF COMMISSIONER: Yes.

Mr. COLEMAN: What about our application here?

The ASSISTANT CHIEF COMMISSIONER: You had better make a formal application.

Mr. STAUNTON: Of course this applies to the Grand Trunk and the Toronto, Hamilton and Buffalo?

The ASSISTANT CHIEF COMMISSIONER: As I understand it they are the same thing here.

Mr. STAUNTON: Yes, it is practically the same thing; but the order will be for each railway, so that they will get it. It will be a joint order, Mr. Cahill suggests, for the Grand Trunk and the Toronto, Hamilton and Buffalo. I presume there is no objection to No. 5, which is the application of the Grand Trunk to connect with the tracks of the Toronto, Hamilton and Buffalo, south-west of the street crossing, on the lands of the Steel Company.

That is granted with the others.

We want to make it clear as to Mr. Waddell's point, that this is not the granting of two new tracks but the moving of one track and the granting of a new one, so that whatever provision or contribution out of the Railway Grade Crossing Fund might have been made on the old track can still be made as regards one of the new ones, because it is an old one moved easterly.

Ordered accordingly.

Re CARROLL BROS. SIDING AGREEMENT WITH G.T.R. AT SHERKSTON, ONT., AND TUNNEL FOR EMPIRE LIMESTONE COMPANY, TOWNSHIP HUMBERSTONE, ONT.

APPLICATION of Carroll Bros., Buffalo, N.Y., for an Order settling the terms of agreement of January 4, 1913, between the Grand Trunk Railway and Carroll Bros., respecting the laying and maintenance of a siding connection with the Grand Trunk Railway at Sherkston, Ont.

APPLICATION of the Empire Limestone Company, Limited, for authority to construct a tunnel under the right of way belonging to Carroll Bros., on Lot 5, Con. 1, Tp. of Humberstone, Ont.

Mr. COMMISSIONER McLEAN:

The first of these applications was spoken to at Hamilton on April 28. It being represented that the matter was under negotiation and that the parties would be able to come to some arrangement, the matter was struck off the list, to be reinstated on request and on notice. The second of these applications was also spoken to at the

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same hearing, and it was arranged that the matter was to be further developed by written submissions. These submissions are now before the board, and the matter is ripe.

By the board's order No. 18186 of December 2, 1912, and on the application of Carroll Bros., the Grand Trunk Railway was directed to construct a certain siding. The order in question, in so far as it is germane to the present application, is concerned with the fact that the siding in question was to begin at a point, shown on the plan as "B" on the existing siding on the road allowance between lots 4 and 5, in the township of Humberstone in the county of Welland, there being a siding connection from the said point "B" to Sherkston, on the Buffalo and Goderich Division of the Grand Trunk Railway. The traffic of Carroll Bros. to and from the siding directed by the foregoing order has thus to move from the point "B" to the point of connection with the Grand Trunk Railway over a siding which is being used for the movement of traffic of the Empire Limestone Company.

It is unnecessary to enter into the detailed record of the relations between the Empire Limestone Company, hereinafter spoken of as "The Empire Company," and Carroll Bros. It is sufficient to state that at one time portions of the property now owned and operated by the Empire Company belonged to Carroll Bros. It is alleged that as a result of the sale by Carroll Bros., the siding, from the point "B" to the connection with the Buffalo and Goderich division, passed with the other properties.

Application is made by the Empire Company, for an order directing Carroll Bros. to pay a switching charge of at least \$2 per car on each of its cars over the siding from the point "B" to the connection with the Buffalo and Goderich division.

While it is contended by the Empire Company that the siding in question was included in the property purchased by the Empire Company, it does not seem to me to be necessary to enter into this matter; and the question may be raised as to whether the board is the proper tribunal to decide what passed in return for the payment of the purchase money.

When the property was in the possession of Carroll Bros., a siding agreement was entered into on April 1, 1897, between them and the Grand Trunk Railway, which is shown by the blue print on file attached to the copy of the agreement to deal with a siding from Sherkston to a point "B," said siding being located for the greater part of its length on the public road between lots 4 and 5. It appears that the location of this siding on this public road has been sanctioned by the township.

It is specifically set out that the material of the siding between points "A" and "B" was the property of the Grand Trunk Railway. The siding agreement was to run for a period of five years, and an annual rental was to be paid by Carroll Bros., in respect of the iron and steel furnished by the railway company. Clause 12 provides:—

"The company (that is the railway) shall have the power to authorize the use of the portion of the siding coloured blue between the points lettered "A" and "B" on said plan, by any other trader, such trader paying to the contractor (that is Carroll Bros.), a reasonable compensation for such use, the amount to be settled in case of differences or dispute by the general manager of the company, whose decision shall be final."

On the 10th April, 1906, the township of Humberstone passed by-law No. 394. This dealt with certain rearrangements of the existing highway between lots 4 and 5, with a view to permitting the operations of the Empire Company to be more efficiently carried on. The Empire Company obtained from the township the closing of certain portions of the road between lots 4 and 5, and deeded to it in return for this a new road. In the second recital of this by-law, it is stated that Carroll Bros. had acquired by a by-law of the township of Humberstone the right to lay railway tracks on the

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road allowance between lots Nos. 4 and 5; and in the 8th recital it is set out that the Empire Company had agreed:—

“In order to save the necessity of the multiplicity of railway tracks on the highway, that Carroll Bros. shall have the right to the use of the railway tracks that run north from the north end of said new road, along the highway, to the right of way of the Buffalo and Goderich Division of the Grand Trunk Railway, provided that this privilege does not interfere with the company's business.”

On the 1st of June, 1909, a siding agreement was entered into between the Empire Company and the Grand Trunk. In the blue print attached to the agreement it is shown that between Sherkston and a point marked “X” which is located near the north end of the new road already referred to, there are located on the road between lots 4 and 5 tracks shown in red on the blue print, these tracks being noted thereon as being owned by the Grand Trunk Railway Company. The tracks so noted extend to the north to the connection at Sherkston.

By clause 12 of the agreement, it is provided:

“The company (that is the railway) shall have the power to authorize the use of that portion of the siding coloured red on the said plan by any other trader, when that can be done without interfering with the proper handling of the business of the contractors (that is the Empire Company).”

The situation then appears to be that, under the by-law of the municipality permission was given to Carroll Bros. to lay tracks on the road between lots 4 and 5. It is set out in the recital already referred to that the Empire Company had agreed to grant Carroll Bros. the use of the railway tracks running north from the north end of the new road the right of way of the Buffalo and Goderich Division, this being subject to the condition already referred to. It further appears by the agreement of June 1, 1909, that the whole of the material in the sidings coloured red on the blue print already referred to, said sidings extending southerly from the point of connection with the Buffalo and Goderich Division to the point marked “X” is the property of the Railway Company.

Under both siding agreements, the railway company had the right to route traffic of any other trader over the siding on the road between lots 4 and 5. Under the agreement of April 1, 1897, the right of the railway company was absolute, subject to the payment of a reasonable compensation. In the agreement of 1909, the condition differs, in that while no provision is made for compensation to the Empire Company, the use of the siding by any other trader is to be carried on so as not to interfere with the proper handling of the business of the contractor.

The rights, if any, of the Empire Company to compensation when this portion of the siding is used by any trader, depend upon the specific wording of the agreement entered into between this company and the railway company. No such provision for compensation is contained in the agreement; and I am, therefore, of opinion that the board is not warranted in giving a direction for compensation. Under the agreement, the railway has the power to authorize the use of the siding by any other trader, and the obligation is on the railway company to see that this is done without interfering with the proper handling of the business of the Empire Company. It has not been shown that there has been any interference with the business of the Empire Company, and until this is shown there is no justification for the intervention of the Board.

The application, therefore, should be dismissed.
July 30, 1913.

THE CHIEF COMMISSIONER:

As pointed out by Commissioner McLean in his judgment, the Empire Company have accepted benefits under a by-law reciting that the company have agreed to allow

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Carroll Bros. to use the tracks in question in lieu of another track that firm apparently had the right to construct.

The Empire Company further enter into another agreement, covering the siding, without providing for compensation by others using the switch, as the former agreement did. Under these circumstances, I agree in the result of Commissioner McLean's judgment.

July 31, 1913.

Re G. N. R. SWITCH AND TRACK ON GAZETTED ROAD, CRESCENT, B.C.

Re Complaint Surrey Municipality against Great Northern Ry. Co., as to placing of switch and track on gazetted road at Crescent, B.C.

The CHIEF COMMISSIONER:

A complaint was made at the last sitting of the Board at Vancouver on May 20, 1913, by the municipality of Surrey against the Great Northern Railway Company as to the placing of a switch and track on the gazetted road at Crescent, B.C.

At the hearing, it appeared that a switch and service track were placed on a public highway without notice or consent. It also appeared that the work of construction had not been authorized by any order of the board.

The matter stood to allow the railway company, which had had but short notice, to make its explanation as to why the construction was made without the appropriate order; and Mr. MacNeill, the solicitor for the railway company wrote, on the 23rd of May, stating that, at the conclusion of the session in Vancouver, he sent a letter out to the different departments which could have had anything to do with the matter requesting an explanation of the whole circumstances; and that he had not as yet received a complete report. The letter goes on to say that: "The work of diverting the road was all done by the mill company. The work of putting in the switch was done by the roadmaster of the railway company on the assumption that the municipality had assented to the change of the road. The Operating Department apparently had overlooked the necessity of obtaining the approval of the board to the change in the position of the spur line."

Mr. MacNeill's letter further goes on to point out that the highway is junior to the railway, and that, some years after the railway construction and in the year 1909, the highway was gazetted; and that no application, so far as he is aware, was ever made for the construction of the highway over the railway, and that it still was an unauthorized construction.

The railway construction, however, is entirely irregular and unlawful, and was unlawful in the first instance as is its use to-day. The duty of the railway company to obtain the enabling order of the board is plain; and so far as the railway company is concerned, the proper direction probably would be that the track should be torn up.

On the 9th instant, Mr. MacNeill was written to for information as to when his report, referred to in his letter of May 23, would be ready, but no answer has been received. The position seems to be one that it would be impossible for any counsel to better.

The municipality, however, has since written stating as follows:

"We wish to go on record that it is not our desire to in any way hamper industries locating in this municipality, but rather to do all in our power that is within reason to foster same; but we do not desire to have railway corporations or anyone else making changes in our highways without the consent of the municipality as was done in this case, and we do not wish to do anything to inconvenience this mill company in handling their products; but would demand that the railway company move their frog and switch a sufficient distance to the south so that there will be a clear passage over the gazetted highway, as explained

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in our correspondence with the Great Northern Railway Company, of which you have copies."

The municipality's position is reasonable and should be given effect to.

Had the matter been brought to the attention of the board in the first instance the frog and switch would never have been assented to on the line of the travelled highway.

It is quite easy for the frog to be moved off the highway to the south, as the municipality requires.

In my view, the railway should be required to remove the present frog and switch, and authority should be given to it to construct a new one at a point on its right-of-way leading from thence over the highway to the mill. The company to file proper plans with the board showing the new layout when the formal order can go approving of the work.

The railway company is also to place the highway in a proper condition for traffic where disarranged by the removal of the switch and frog. The whole work to be done by the railway company at its own expense, and unless finished within sixty days, the present construction should be treated—as it is in fact—as plainly illegal, a nuisance on the public highway and be torn up.

Commissioner Goodeve concurred.

Order, in accordance with the judgment, issued.

July 22, 1913.

RE GREENFIELD CO.'S SPUR, TORONTO.

The CHIEF COMMISSIONER:

This is an application made by the Greenfield Conduit Company, Limited, for an order under section 226 of the Railway Act, directing the Grand Trunk Railway Company to build a spur line (an extension of the existing spur line) on the lane in rear of the premises of the said Greenfield Conduit Company, Limited, situated on Broadview avenue, Toronto, Ont.

The application is supported on the ground that the applicants are entitled, under their conveyances, to have this spur constructed on the lane; and on the further ground that the spur is necessary for the proper enjoyment of the premises.

The application is not opposed, but on the other hand supported by other property owners, with the exception of Mr. Hetherington, for whom Mr. Armour appeared at the hearing in Toronto on the 6th February, 1913.

At the hearing, the board was of the view that the order should be made; but on leave reserved, written arguments have been filed by both parties and a subsequent view of the premises necessitated.

The necessity for the view of the premises arises by reason of the claim made by Mr. Armour that, under his instructions, his client's property had no other access, and would be ruined if the spur was built, a view of the *locus* being since held at which the board's engineer was present, but without notice to the parties and in the absence of both of them.

The district in question is an industrial one. The whole block of property from Broadview to the Don Improvement Road was formerly owned by the Erie Realty Company, Limited, and an application was made by that company and by the Conboy Company and Gowans, Kent & Co.—purchasers of portions of the block from the Erie Realty Company—to the board, under date of September 18, 1905, for an order directing the Grand Trunk Railway Company to construct and operate a spur line with all necessary sidings into different properties named in the application, and forming part of the original holdings of the realty company.

Two plans were filed with the application—the one plan showing the construction as it now exists and the other plan showing the spur line continued northerly to the end of the land hereinafter mentioned.

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This application for a spur was granted, and an order made by the board, the order of the board being dated, April 17, 1906.

There is no question as to the character of the property or the advisability of construction of railway spurs for the enjoyment of the different subdivisions as established by the action of Mr. Hetherington's predecessors in title, apart from the uses to which the property is to-day put.

The block originally owned by the Erie Realty Company is intersected by a lane running north and south having a width of 26 feet. Apparently, the first mention of the lane occurs in an agreement for sale under which the Erie Realty Company agreed to sell to Gowans, Kent & Co., in which, after agreeing to convey certain lands, the vendors "agree and undertake that they will have a roadway or street opened to and along the east side of said lands and connecting at one end with either the Don Improvement Road, Eastern Avenue or Broadview Avenue, and having such connection at the other end by lane of sufficient width with some roadway or street as will enable wagons, etc., to pass over and along said new roadway or street without turning such new roadway or street to be so opened as to give to the purchasers ready access to the rear of the property being purchased by them by the first day of October, 1906—such new roadway or street is to be at least twenty-six feet (26 feet) wide, and is to be laid out on the property now owned by the vendors, and said railway switch is to be on the said new roadway or street."

The railway switch referred to is a switch which the vendors agreed before the board's order of April, 1906, to have put in along the east side of the lands purchased by Gowans, Kent & Company.

The conveyance made by the Erie Realty Company under the agreement contains no reference to the lane or to the rights on the railway spur.

A subsequent instrument, dated May 27, 1907, recites that the Erie Realty Company has since sold and conveyed other lands to the east of Gowans, Kent & Co.'s property, excepting and reserving, however, a strip 26 feet in width for the roadway mentioned in the agreement, and reserving a right of way over another strip 14 feet wide for the lane also mentioned in the agreement. This conveyance goes on to grant a right of way over the roadway and lane, but so far as the 26-foot strip is concerned subject to a railway switch being constructed, laid, and used thereon.

The deed from the Erie Realty Company to Frankel, of March 1, 1906, and which conveyed the lands east of the 26-foot reservation, contains the following provision as to the reservation and railway siding:—

"Together with the use for all proper purposes of the railway siding constructed or to be constructed upon and along the said lane to the west of the lands herein described. Together with a right of way to the grantees and their assigns for all purposes in, over and along the said land and railway siding to the west of the lands herein described; subject also to the encroachment of said lane and railway siding upon the above described lands where the same may be found necessary for the proper location and construction of said railway siding."

Frankel then conveyed the property to the north of that owned by the Greenfield Conduit Company, and marked Riverdale Roller Rink on the plan, on the 26th July, 1906, continuing to his grantee the rights he received under the paragraph above set out.

The conveyance from the Erie Realty Company to Conboy—one of the original applicants for the siding—of date June 30, 1908, refers to an original agreement between the parties, and recites that, under that agreement, the parties "should join in an application to the Board of Railway Commissioners for an order for the construction by the Grand Trunk Railway of a railway siding to the east of the said lands, which said railway siding was to be used by the said Conboy and the Erie Realty Company, Limited, or any other persons, firms, or corporations who should

purchase the adjoining lands from the said Erie Realty Company, Limited." The lands Conboy purchased extend to the end of the 26-foot strip.

It seems to be clear that the parties contemplated a railway switch running the full length of the 26-foot reservation and to the 14-foot land. The switch as actually constructed does not lie in the lane at all to the east of Conboy's property, but is curved into Conboy's property at its southeast angle. Conboy's rights in the 26-foot strip are defined under this conveyance as follows:—

"A right of way for use in connection with and for the purposes of the said lands mentioned in No. 19451 P for all purposes for which a roadway or land may be used in common with all others entitled from time to time to the use thereof, but subject as to the said strip of land twenty-six feet wide to a railway switch being constructed, laid, and used thereon, on, over and along, etc."

Conboy's parcel, as shown by the plan, runs from the 26-foot strip over to the Don Improvement road: and on the 21st September, 1908, he conveyed the easterly portion of it, which fronts on the 26-foot reservation, to William Laking, John T. Laking, and W. J. Hetherington, the result being that, so far as this property is concerned, its only access by the 26-foot strip either from Eastern Avenue on the south or through the 14-foot lane running from Broadview avenue to the east. The actual use, however, of the property is as a lumber yard, in conjunction with property facing on Queen street, the whole being used as one lumber yard.

Conboy reserved his right to use the present railway siding.

The provision in the conveyance as to the 26 foot strip is as follows:—

"Together with a right of way (for use in connection with and for the purposes of the hereinbefore described lands) for all purposes for which a roadway or lane may be used in common with all others entitled from time to time to the use thereof, but subject as to the said strip of land twenty-six feet wide to a railway switch being constructed, laid, and used thereon, on, over, and along, etc."

It is to be observed that at this time the railway switch authorized had been built and completed, and was in actual use by Conboy, the construction authorized by the board's order having been completed in 1906.

The applicants' title to their property is derived under a grant from Frankel, and their rights—whatever they may be—are similar to his.

The result is quite clear that the 26 foot right of way has been effectually reserved running from Eastern avenue to the northerly limit of the Erie Realty Company's premises, where it is joined by the 14-foot lane; that all the different owners whose properties abut have the right of way over it and over the 14 foot lane; and that this right of way is at least subject to the existing switch.

Mr. Armour contends that, under the agreement between the Erie Realty Company and Gowans, Kent, and Company, the 26-foot strip on which the switch could be built only extended, according to the description, from Eastern avenue north to an iron bar in the Conboy parcel, 537 feet 9 inches from Eastern avenue, pointing out in his written submission that the distance from Eastern avenue to the north limit of the 14-foot lane is 799 feet; and that if the deed means that a grant was made to construct the switch, then the right is to construct a switch only to the point 537 feet 9 inches from Eastern avenue; and that, if it is a reservation and not a grant, then for a similar switch.

I do not so read the description. It seems to me to be clear that the lane, which is on a radius so as to allow for the necessary curve of the spur, is properly described by proceeding northerly on a curve to the right to a point distant 237 feet 1 inch, from Broadview avenue, and also distant 260 feet northerly from Eastern avenue. Having ascertained this point, the description proceeds not from Eastern avenue but

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from the defined point, 537 feet 9 inches. This is made the more clear by the description going on to state that the iron bar referred to marks the northeasterly angle of the lands conveyed to D. Conboy. It would appear, therefore, that the parties contemplated at least the possibility of an extension of the switch the full length of the 26 foot reservation, as contended by Mr. Hunter.

On viewing the property last week, I find that the premises sold by Conboy to Laking and Hetherington are occupied by the Riverdale Lumber Company. That company, apparently, has siding accommodation from Conboy's switch. It teams, in part, over the 26-foot strip, which it was using in the same manner that a lane in its own yard would be used; that is, wagons loaded with lumber, or unloaded, were left standing on it with or without horses; the company's lumber piles in some instances also encroach over the 26 foot strip in one case to the extent of 6 feet.

The building of the spur will undoubtedly contract the space available to the lumber company for these purposes.

My view of the premises merely strengthens my first impression of the case, which was that it is proper for a spur to be built and that the order should go.

Mr. Armour also raises the question of title in the 26-foot strip entirely over and above the question of damages and the advisability of the construction of the spur.

In July, 1912, the Erie Realty Company conveyed the 26-foot strip and the 14-foot lane to Conboy, subject to the existing rights and privileges of Gowans, Keut, and Company, and other parties; and on the 20th of July, Conboy conveyed both lanes to Mr. Armour's client Hetherington.

The contention on this point is that no grant whatever of any right to construct is given by the Erie Company to any of its grantees; but that the Erie Company merely reserved the right to construct, granting the right of user if the switch was constructed, as well as contending, in any event, that the switch in no instance was to extend more than 537 feet 9 inches from Eastern avenue.

Under this contention, Hetherington, the present owner of the fee, alone has the right to build the switch,—a privilege which he may exercise, but not an obligation which can be enforced against him.

In arriving at the question whether the construction should or should not be made, I have come to the conclusion that the original intention was that the whole 26-foot strip might be used for railway switching purposes. Having gone that far, I do not think it proper to pursue the subject farther. It may be that the applicants are entitled to implement their easement as in *Senhouse vs. Christian* (1787), I.T.R. 560, I.R.R. 300, or that the right to construct the switch may be looked on as a secondary easement; but, in my view, this question is one for the regular courts to decide.

The construction of the switch being authorized, the work can proceed, unless that work means construction on lands of others, when construction can be restrained by order of the provincial courts until proper expropriation proceedings authorized by an appropriate order of the board are instituted. This board, at any rate, under the circumstances of this case, is not the proper forum to determine questions of title.

Order issued directing the railway company to construct, for and on behalf of the applicant and such other owner or owners of industries or business abutting on the lane, and who may be desirous of obtaining railway facilities in connection therewith, a siding to connect with its existing siding, and extending northerly therefrom as shown on the plan; the siding to be constructed on the easterly side of the lane.

July 23, 1913.

RE G.T.R. SPUR AND BROWN.

The CHIEF COMMISSIONER:

This is an application made by the Grand Trunk Railway Company to the board for an order authorizing it to construct, maintain and operate a branch line or siding

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as described in the application under the provisions of section 222 of the Act. Mr. Wegenast appears for Mr. Brown who is shown to be the owner of lot No. 89 on the plan. This spur, which of course is an industrial spur, Mr. Wegenast submits on behalf of Mr. Brown, is being constructed under an arrangement made between the Toronto Structural Steel Company and the Roman Stone Company with the Railway Company so as to obtain land belonging to Mr. Brown not really necessary for the construction of the siding, and in any event a larger amount of land than necessary. The spur is a proper one to be constructed and the purposes to be served by it are of the nature that spurs of its character are by the Railway Act required to serve.

The municipality of Weston is in favour of and supports the application. The board's engineer reports that the least amount of ground possible is taken from Mr. Brown, and that the line is a proper one and should not be altered. There can be no reason why it should be altered except that some other property owner should be inconvenienced instead of Mr. Brown. This is not sufficient to justify any change and in my view the order should go.

Mr. Commissioner Goodeve concurred.

July 29, 1913.

RE PROPER RAILWAY CONNECTION WITH GOVERNMENT ELEVATOR, PORT ARTHUR.

The CHIEF COMMISSIONER:

This is an application made by the Grain Commissioners for proper railway connection with the Government elevator constructed on part of section 52, Port Arthur. The case came on for hearing at a meeting of the board held in Fort William on June 4, when it was shown that the elevator site was purchased by the Grain Commissioners for the Canadian Northern Railway Company; that the purchase was made for the purpose of elevator construction to the knowledge of the railway company; that during the treaty for purchase, the matter of railway connection was brought up by the Grain Commissioners, who, knowing that the adjacent property was all owned by Mackenzie and Mann Company, or by the Canadian Northern, thought there might be difficulties in getting railway connections with other railways on an equal basis.

Mr. Sloan, Secretary of the Canadian Northern Railway Company, communicated with Commissioner Staples of the Grain Board as follows:—

"Wired you to-day as follows: So far as our company is concerned we are desirous of making all requisite facilities for your board to meet every contingency of traffic. With respect to the other railways will use best efforts to agree to their requirements, the Board of Railway Commissioners being empowered to adjust in the event of failure to agree.

"This is to clear any difficulty you might have in connection with the matter and states our case very clearly. I am sure the fact that you can fall back on the Railway Board if the companies cannot agree should be ample protection to the Grain Commissioners who are representatives of the people. I hope this will solve the difficulty and that you will proceed to have the matter adjusted as soon as possible."

Acting on this assurance the Board of Grain Commissioners purchased the property and contracted for the construction of their elevator which is expected to be finished in time to assist in handling this year's crop.

It now appears that the Canadian Northern are desirous of extending their facilities in Port Arthur and in Fort William, and for this purpose they desire to use a large stretch of vacant land lying to the north of the elevator, and between it and the railway tracks for yard purposes. The construction of a yard at this point makes it very difficult to get access for the other lines to the government elevator. I have no doubt as to the good faith of the railway. Additions to their yard and facilities are required, and the difficulty that now arises is undoubtedly due to the fact that Mr.

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Sloan was not sufficiently in touch with the operating necessities of the railway in the west. While this is so, it is equally clear that the Grain Commissioners should not be prejudiced by Mr. Sloan's neglect to inform himself of conditions. The purpose of the elevator would fail altogether if proper railway connection is not afforded.

No plan was presented us at the sittings showing how the matter could be best worked out, but Mr. McLeod, general manager of the railway, submitted a plan showing the proposed new yard. This plan and the situation generally, has since received the careful consideration of the board's chief engineer, who has prepared a plan and made his report on possible solutions of the question.

The first recommendation made by Mr. Mountain calls for the construction of a track from the Canadian Pacific railway line at point "A," on the plan, thence running in a southerly direction to "B" where it connects with the Canadian Northern tracks, shown in yellow, being the projected industrial spur of that railway company. Connection can be made with the government elevator by the construction of a track from point "C" to point "D," the point "D" being on the present spur line running from the Canadian Northern tracks to the elevator. This calls for a movement of about one and a half miles from the C. P. R. line to the elevator, involving the construction of a track almost all of that length. An alternate line is also suggested by the engineer running from point "E" on the C. P. R. line, thence in an easterly direction to point "F" on the C. N. R. property and south of the projecting new yard, running thence in a southerly direction to point "G" on the existing spur line of the government elevator. This proposal would only call for the construction of about one mile of track, and would necessitate an interlocker.

Of course if the Canadian Northern construction, which the parties had before them when considering access to the elevator, was to be maintained, the proper place to make the connection is from the point marked "H" on the plan, on the Canadian Pacific line, running thence in an easterly and southerly direction to the switch of the Canadian Northern controlling the existing spur to the government elevator. This calls for the construction merely of 600 feet of track.

The Canadian Pacific Railway Company in their reply object to the first line suggested, but have no objections either to connections being made on their lines at points "E" or "H." One of the grounds of its objection is that the route from point "A" is entirely impracticable, and that it would affect its stock yards. No answer has been filed by the Grand Trunk Pacific Railway Company, but that company can get access to the elevator over whatever connection is made for the purpose of the traffic borne by the Canadian Pacific.

Mr. Hanna, on behalf of the Canadian Northern Railway Company, telegraphs as follows: "Your message twenty-fourth to Temple regarding access by Canadian Pacific to Government elevator at Port Arthur. Construction of either spurs suggested by Mr. Mountain would seriously interfere with our projected plans regarding development yards and industrial trade Port Arthur. As evidence of our desire help out situation and until our plans are fully matured this Company will agree to handle Canadian Pacific business at nominal charge per car in excess actual cost between transfer tracks and elevator. Trust this will be satisfactory to board."

It is a matter of uncertainty as to when the new yards of the Canadian Northern will be constructed. No application for approval of their construction has yet been filed with the Board. It is a matter of certainty that immediate connection is required with the Government elevator. At the present time, and in view of representations made by the Canadian Northern Railway Company, it would probably be unfair to make any Order which would contract for all time the use of its property. That Company should have further opportunity to develop plans giving proper access from all railways to the Government elevator without undue interference with its own development. In the meantime the elevator must have railway facilities.

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Under the circumstances, I think that the construction from point "II" on the Canadian Pacific tracks to the switch of the existing spur to the Government elevator should be ordered. This work must be done by the Canadian Pacific Railway Company and finished within thirty days. The cost of the work will be paid by the Grain Commissioners as part of their facilities in connection with the elevator. The estimate of cost made by our engineer will not exceed \$1,000. It may be less. The rails, as the Grain Commissioners pay for the construction, will if taken up revert to the Grain Commission, and the value of the rails when taken up should be worth at least 50 per cent of the cost. The spur track belonging to the Canadian Northern now running to the Government Grain elevator and with which connection with the C.P.R. tracks is now made, must be maintained by the Canadian Northern Railway Company not only for the transport of grain carried on its lines to the elevator, but also grain carried either on the lines of the Canadian Pacific or Grand Trunk Pacific Railways, and offered for transport over the construction now directed. This maintenance must continue until such time as other proper and sufficient facilities are arranged and provided by the Canadian Northern for the Government elevator to the satisfaction of the Board.

Commissioner Goodeve concurred.

July 29, 1913.

GOVERNMENT ELEVATOR AT FORT WILLIAM.

The CHIEF COMMISSIONER:

When absent on the recent Western Ontario Circuit of the board, a telegram was received by me from Dr. Magill, Chairman of the Grain Commission as follows:—

"Canadian Northern has prohibited Canadian Pacific using tracks into elevator. No reason assigned. Elevator ready to handle grain. Please wire instructions."

On arriving at Toronto last Monday, Mr. Temple, who was then present at the Toronto sitting representing the Canadian Northern Railway Company, was advised that his company must answer, the following morning, the complaint made. On the following morning Mr. Phippen appeared and the matter was discussed. An oral direction was then given that the Canadian Northern should permit the passage of Canadian Pacific trains over the track leading to the government elevator for the period of two weeks, within which time it was thought that a solution of the matter might be found. To-day the board is in receipt of a telegram from Mr. Birkett, Secretary of the Commission, as follows:

"Canadian Northern objects and obstructs Canadian Pacific putting cars into government elevator. Wired you last Saturday but have had no reply. Please advise."

From this it would appear that no notice has been taken by the Canadian Northern of the intimation made in Toronto last Tuesday; and it therefore becomes necessary to issue a formal order in connection with the matter.

The board did not have the file before it in Toronto, and was not in a position to deal finally with the matter.

This whole question is in a mess. The real difficulty can be traced back to the fact that the Grain Commission relied on the representations of the Canadian Northern, as set out in the previous Judgment, that access could be had to the elevator for all railways; and then, after having done this, and the elevator is well under construction, the company prepared plans for freight yards, which, if adopted, would effectually prevent the government elevator having an independent spur, or tracks of other companies running to it.

The original order was merely a temporary order.

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The original order directs that the spur track belonging to the Canadian Northern Railway Company, now running to the government grain elevator, is to be maintained by the Canadian Northern not only for the transportation of grain carried on its lines to the elevator, but also grain carried either on the lines of the Canadian Pacific or Grand Trunk Pacific Railways, and offered for transport over the construction directed by the order; and that the track is to be maintained until such time as other proper and sufficient facilities are arranged and provided by the Canadian Northern Railway Company for the government elevator to the satisfaction of the board.

On looking over the file, difficulties seem to have been raised from time to time by the Canadian Northern. The board was advised, for example, by wire from the Canadian Pacific officials that when that company started to construct track to government elevator, in accordance with order, its work was stopped by the Canadian Northern. A similar wire was received from the Grain Commission. The Canadian Northern's interference then seems to have been the result of a misunderstanding and an arrangement was come to between the parties. The Canadian Northern then desired to have the actual connection moved to another point. The Canadian Pacific Railway Company then wired, on the 18th August, that the construction could not be made as ordered, because the Canadian Northern had strung a lot of tracks on property over which the spur is directed to be constructed. Then, on the 26th August, difficulties apparently were removed, and an order was made for a change of location agreeable to the Canadian Northern. An amending order was issued. Complaints were again made as to delay in carrying out of order, and the company was again wired on the 16th and again on the 17th September. Then the work seemed to proceed and has been completed.

The position taken by the Canadian Northern now is that movement of cars or trains of other railways over the tracks in question leading to the government elevator should be done by Canadian Northern engines and crews; and that the business should be merely handed over to the Canadian Northern as an ordinary interswitching movement, giving that company practically a monopoly of the business of the government elevator. The company urges that anything else is confiscation of its track; that the track is its property and should not be used by any other railway except under the ordinary terms.

If effect is given to this objection it simply means that the government elevator, to all intents and purposes, is an elevator serving the system of the Canadian Northern Railway Company, and not serving the wheat exporters of the West generally as the government desires. The land would certainly never have been bought from MacKenzie and Mann or from the Canadian Northern Railway Company, as the case may be, by the Commission, under any such circumstances. If the Canadian Northern will relinquish its endeavours to control the elevator, there need be no difficulty in carrying out a temporary solution. The board's operating officer says that there is no difficulty whatever on the ground of safety in having trains of both railways operated over the track. A man, however, should be placed at the switch to control the operations of both railway companies; and a direction is now made that the Canadian Northern shall appoint such a man. As the operation will be day and night, the order that will issue will cover the appointment of a man both day and night. The wages paid the men, as well as any proper and necessary repairs to the track, shall be divided between the companies on a wheelage basis.

Should any further difficulties be raised, the parties may expect that an order will be made by the board, under section 176 of the Railway Act, and, if necessary, to the full extent of that or any other section which will enable the board to deal with the matter in such a manner as to ensure proper service to the government elevator.

Commissioner McLean concurred.

October 17, 1913.

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RE G. T. P. SPUR—FORT WILLIAM, ONT.

APPLICATION of the Grand Trunk Pacific Railway Company, under sections 222, 237 and 257, for authority to construct a double track branch line or spur turning out from its line on Empire avenue, northerly, along private right of way, formerly James street, to William street; thence easterly to Thunder Bay, Fort William, Ont.

Oral judgment delivered by Assistant Chief Commissioner Scott at the hearing, September 16, 1913.

The board is of the opinion that the application should be granted to build the line as far as the western boundary of Vickers street, subject to the terms of the agreement which was made between the railway company and the municipality years ago and confirmed by the legislature.

We will insert the clause which we did in the Hardisty Street order, requiring the railway to pay damages, if any, to property owners abutting on the highways along which the railway runs.

As far as the portion of the line from the west side of Vickers street on to the waters of Thunder bay is concerned, including the application to cross the Canadian Northern and the Canadian Pacific and the electric railway, we will leave that over to the next sitting of the board at Fort William, so the matter can be considered on the ground.

Mr. TEMPLE.—Then, this approval will not be—

The ASSISTANT CHIEF COMMISSIONER.—In favour of the balance at all. It may be the line should stop there.

RE SPUR FOR HENRY HOPE & SONS OF CANADA, LTD., PETERBOROUGH.

Mr. COMMISSIONER GOODEVE.

This is an application under sections 222 and 227 of the Railway Act by the C. P. R. as lessee exercising the franchise of the Ontario and Quebec Railway Company, for authority to construct an industrial spur for Messrs. Henry Hope & Sons of Canada, Limited.

The consent of the city of Peterborough, and the township of North Monaghan are endorsed upon the plan accompanying the application; but, the terms upon which the consent of the city of Peterborough is given is set forth in letter on file from the mayor, dated January 15, 1914, and is as follows:—

“That the council consent to an order being issued by the Board of Railway Commissioners permitting the Canadian Pacific railway to construct a siding across the Monaghan road to the factory of Henry Hope & Sons in accordance with the plan submitted and that the plan be endorsed, provided that Henry Hope & Sons will consent at any subsequent time to a siding being constructed from this siding across their property between this siding and the southern limit of their property.”

It is clear the construction of the spur is essential to this industry, and under the conditions as set out in the above resolution will be of advantage to other industries that may desire to locate in this district.

I have read carefully the objections set forth in detail to said spur, made on behalf of Mr. John Mervin by his solicitor G. W. Hatton, in letter to the board under date July 30, 1913. The essential points in the said objections are contained in paragraph 2, page 1, and in the last paragraph on page 3 of said letter, namely:—

“I beg to notify you that the said John Mervin objects to the spur or branch line railway being built or constructed through his property as per plan,

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until his rights for damages for such construction are ascertained and the value of same paid, and the said Mervin submits that this should be done prior to the construction of the said spur or branch line of railway or any part thereof.

"I submit that any order going should provide for the protection of my client's interests."

It having been shown by telegram from E. W. Beatty, general counsel of the C.P.R. on file under date of January 13, 1914, that his company have failed to come to any agreement with Mr. Mervin and that they will be forced to take expropriation proceedings in order to secure the necessary land from Mervin, therefore, the protection asked for, as stated in above quotations from Mr. Hatton's letter for his client, is fully assured to him by the various sections of the Railway Act.

As a result of the objections raised by Mr. Mervin the board has had the situation carefully looked into by one of its engineers. He recommends the approval of the application and plan, and further states that in his opinion it would be to the advantage of the city of Peterborough and the township of North Monaghan. Under the circumstances, I am of the opinion that the public interests are best served by the construction of this spur, and that an order should go under the conditions as set out in the resolution of the Council of the city of Peterborough.

ASSISTANT CHIEF COMMISSIONER:

Order issued accordingly.

January 17, 1914.

LAKE ERIE AND NORTHERN RAILWAY COMPANY, LOCATION FROM BRANTFORD, THROUGH PARIS, TO GALT.

Assistant Chief Commissioner:

By order No. 16719, dated 1st June, 1912, the board approved of the location of this railway from lake Erie into Brantford, with a terminus at Colborne street between Clarence and Arthur streets.

The company now apply for a new location from a point at George avenue north-erly and westerly through Brantford to Paris and Galt.

Brantford being a thriving industrial centre, it is quite apparent that it will be in the interests of the city as well as the railway company to have its manufacturing establishments served by this company. There is, however, considerable objection on the part of the residents of Brantford to the proposed location of the railway.

Our sitting at Brantford was especially held in that city for the purpose of enabling the board to examine the proposed location on the ground. After hearing all objections which anyone had to urge, not only to the general location of the railway but to details of construction, the members of the board present spent several hours, together with its chief engineer and representatives of those interested, going over the ground and examining the proposed location carefully.

In addition to pointing out several serious objections to the proposed location, the city of Brantford submitted a plan prepared by its Engineer of an alternative route to the south of the Grand river which would, undoubtedly, do less damage to the city if approved by the board, than the line asked for by the railway company. The city submitted this alternative route as a suggestion merely and stated that it might be that some other alternative route might be found. Our Chief Engineer, Mr. Mountain, was unable however to find any better alternative route than that suggested by the city.

As I have said, the city's alternative location, if followed, would undoubtedly do less damage to the city than that of the railway company; but, there are several serious objections to it. First of all, it would not serve the Homedale District, which is being developed as a manufacturing location; and, secondly, it is objectionable

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from an engineering point of view. In referring to it, in his report to the board, our chief engineer, Mr. Mountain, says as follows:—

“This alternate route crosses the Grand River right in the face of a high bank on the north side of the river, which, to my mind, makes this line out of the question. It is a fill of 265,000 cubic yards, a heavy cut, and a high bridge over the Grand River, and another bridge would be required over the Grand river below the Lorne bridge in order to get into Market street, where the Lake Erie and Northern Railway propose putting their station.”

We must, therefore, come to the conclusion that because of the poorer facilities which it would afford to manufacturing industries, and because of the excessive expense of construction, we cannot adopt the alternative location.

Dealing now with the location applied for by the Railway Company; the chief objection to it in my mind is the injury it does to a public park on the north bank of the Grand river, called the “Jubilee Terrace.” This is a beautiful little breathing spot in the centre of the city which we are told many of the inhabitants frequent on a summer evening.

Bearing in mind, however, the importance of this railway to Brantford, I think we must approve of this location, with such conditions for the protection of the park and for other public and private interests that will be affected by it, as we deem proper. The railway company should be allowed to raise Lorne bridge so that its tracks will pass underneath it; details of that work to be submitted for approval of our engineer. The line of railway through “Jubilee Terrace” to have cement or stone abutments at each side; a walk and roadway to be constructed parallel to the tracks immediately adjoining them on the north. The boat house should be moved out to the outside of the outer abutment at a convenient spot, and a suitable permanent foundation to be constructed for it by the railway company. The company should also supply a floating pier, so that pleasure boats which may be taken in or out from the house can at all times be conveniently handled, there should be permanent cement steps leading from “Jubilee Terrace” underneath the tracks of the railway to the boat house. The arm of the Grand River, north of the proposed location, should be filled in by the railway company and dedicated to the town for park purposes. A channel should be cut through the island parallel to the railway company's location and immediately adjoining it on the south, of sufficient capacity to carry the same volume of water which at high water now passes on to the north of that island. The railway company should supply a suitable access to the river front for all property, the approach to the river from which will be cut off by the railway. This access to be in the nature of a farm crossing and to be subject to the same conditions as govern farm crossings under the Railway Act; but, at all places where reasonably practicable, the access shall be by way of subway under the track, or bridge over the track; but, in such cases it shall be for pedestrians only.

The city contends that the Lorne street bridge which is sufficient for its present requirements cannot safely be moved. The company's engineer claims the contrary, and his claim is borne out by the board's engineer. I see no reason why the corporation should be asked to take any risks whatever. The interference is against its wishes. I think it but fair that the company should take all responsibility for the change and thereafter maintain the bridge structure (apart from planking or other surface work) for the term of two years, during which time any weaknesses resulting from the company's work, if any, would become apparent.

There are a number of details with reference to highway crossings and other matters which cannot be disposed of at present; but, an order may go for the approval of the location of the railway from the point of deviation at George avenue, Brantford, as shown on the railway company's plan filed, to Main street, in the city of Galt.

Chief Commissioner Drayton and Commissioner Goodeve concurred.
Orders, carrying out terms of the judgment, issued.

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Later, upon its appearing that the railway company was unable to comply with the conditions of the said order, a further order was made, upon the consent of the city of Brantford, authorizing the said city to excavate a new channel of an area of 300 feet wide and 4 feet below mean water, across the island immediately below the Holmedale District, where the railway company has built its embankment across the old channel; and that the material thrown into the river by the excavation of the retaining walls on Jubilee Terrace on the water front, be removed and reinforced at the lock gates entering the canal, as required by the city engineer.

April 18, 1913.

RE LOCATION CANADIAN PACIFIC RAILWAY COMPANY'S PORT MOODY NORTH SHORE BRANCH.

CHIEF COMMISSIONER DRAYTON:

This application is made by the Canadian Pacific Railway Company for approval of a portion of its Port Moody and North Shore branch from a point in lot 256 to lot 555, in the district of New Westminster, British Columbia

The application for approval was received by the board on the 16th day of November, 1912. The case was partially heard in Ottawa, when, by reason of representations made by the Burrard Inlet Tunnel and Bridge Company, the Vancouver Westminster and Yukon Railway Company, and different municipalities interested, it was adjourned to be heard in Vancouver, the hearing taking place on the 19th and 20th days of May last.

The location as asked by the applicant company conflicts to a greater or less extent, with the locations of the Vancouver, Westminster and Yukon Railway Company, the Burrard Inlet Tunnel and Bridge Company, and the Pacific, Great Eastern Railway Company.

In addition to this conflict as between incorporated companies, the following municipalities are directly interested, and were represented at the hearing (as well as the companies above mentioned), namely, the city of North Vancouver, the district of West Vancouver, and the district of North Vancouver.

Railway accommodation is necessary for the proper development of the north shore; and railway construction is inevitable. The conformation of the district and property interests now existing are of such a character that the location of more than one right of way along the north shore is objectionable. In my view, while a railway must be built, railway operations should be confined as much as possible to one right of way; and the railway obtaining the location should, when the proper occasion arises, be compelled to grant running rights over its right of way, upon fair terms to be fixed by the board.

Evidence shows the location first approved to be that of the Vancouver, Westminster and Yukon line. Its location was approved as far back as the 13th day of June, 1905, Mr. Craig, who appeared for the company, admitting that, while the company had had dealings with the Burrard Inlet Tunnel and Bridge Company as to the bridge structure, so far as its location was concerned, the said railway company had taken no action since its location was approved, but was still trying to make financial arrangements.

In my view, after such a delay, it would be improper to allow the company, by reason of an approval granted in 1905, to delay the development of the district.

The Burrard Inlet Tunnel and Bridge Company obtained the approval of its location to Deep Cove on the 24th day of September, 1912. At the hearing, the position taken by Mr. Burns, who appeared for the company, was that it was not so much interested in keeping its own location as upon having a location approved that would be built on; and that the desire of the company was to have railways built which would connect with its bridge. The approval already given to that company, therefore, does not in any way complicate the solution of the problem.

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The location of the Pacific Great Eastern Railway Company was approved on the 26th day of July, 1912. The company is a provincial one; it is not subject to the jurisdiction of this board; and the approval of its location was given by the proper provincial authority, namely, the Honourable Mr. Taylor of the British Columbia Government. At the time of this approval, the territory was not clear, owing to the previous approval of the location of the Vancouver, Westminster and Yukon Railway, as well as the known projected plans of the Burrard Inlet Tunnel and Bridge Company, and of the Canadian Pacific Railway Company.

Property owners, who were represented by Mr. Wade, Mr. Armour, and Mr. Bond, were particularly anxious that only one railway should be constructed, and that the construction should be, as much as possible off the water lots, so as to give the people free access to the waterfront, and allow the developments of proper dockage and water facilities. The consensus of opinion, both of the municipality and of the property owners, seemed to be in favor of construction on the proposed location of the Canadian Pacific Railway, with the exception of that part of the route which is laid out along Marine Drive, in the municipality of West Vancouver. As intimated at the hearing, in no event would the location have been approved along that drive; and as admitted by the engineer, the company can follow the general lines submitted, without infringing upon the Drive.

The location of the Pacific Great Eastern Railway Company was quite satisfactory to those who owned no water lots, and were desirous of obtaining railway facilities for property that they wished to develop apart entirely from any water front feature. Those owning water lots objected strongly to its location, Mr. Armour pointing out that, at that point, where his clients were particularly interested—between stations "D" and "C" on the map—the location suddenly swung out into the water, so as to destroy property which consisted of water lots, dock properties, etc.

Mr. Lawson, the reeve of West Vancouver, while very fairly admitting the necessity for the railway, strongly objected to the location, because he was extremely anxious to save the waterfront, stating that the municipality was willing to go as far as to afford the Pacific Great Eastern Railway Company a right of way on a street the municipality had laid out, in order to get the railway off the waterfront as far as possible.

If all the different companies were under the jurisdiction of the board, approval would be given of that line which in our view would create the least damage and at the same time permit of proper public service; and, under the circumstances, I thought the matter was of sufficient importance to take up the question with the provincial government.

I am impressed with the merits and necessity of the bridge scheme and think that connection with that bridge should be had by both the Canadian Pacific Railway Company and the Pacific Great Eastern Railway Company. Plans of the Pacific Great-Eastern Railway Company contemplate no construction in the District of North Vancouver, or at Roche Point, where there are in contemplation large industrial developments which will require railway facilities. On the other hand, to the west, the construction of the Canadian Pacific lies within the District of West Vancouver, while that of the Pacific Great Eastern calls for the construction of a railway of some 450 miles in length to Fort George.

Under these circumstances, and bearing in mind the further fact that the latter company has agreed to give an electric service to the residents of the north shore, west of the bridge location, my view was and is that the public interest will be best served by allowing the local company to proceed with its work, and by approving in part the plans of the Canadian Pacific Railway Company to the east.

I am pleased to say, that, as a result of a very satisfactory conference with the Premier and the Honourable Mr. Taylor of the British Columbia Government, it has been arranged between our respective tribunals that there will be practically only

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one railway right of way along that portion of the north shore in question; and in order that the Canadian Pacific Railway Company may get proper access to the bridge, it is necessary that its location be approved as far west as Hendrie avenue. The board's sanction of the balance to the west is refused.

Doubtless with increased demands and business of the future, it will become necessary that the Pacific Great Eastern Railway and the Canadian Pacific Railway companies will have to obtain running rights, perhaps each over the track of the other, or only one. The time is not ripe to now provide for this, nor are the statutory provisions applicable sufficient.

Despite my desire that only one right of way should be constructed it may be necessary to extend the Canadian Pacific Railway Company's right of way to the west, as a result of difficulties as to running rights. After my interview, however, I have no doubt but that the provincial authorities will co-operate with the board in preventing unnecessary duplication of lines.

I would approve the location asked by the Canadian Pacific Railway Company down to Roche point, where the car ferry is shown on the company's plan.

Mr. Wade appeared for the Belcarry Company and the South Belcarry Company, as well as for private owners concerned in the property affected by the proposed location east of Roche point; and he produced a plan prepared by Mr. Webster, showing the alternative route through this section.

After a personal inspection of the ground, it is, in my view, unnecessary to scrutinize the plan. I am of the opinion that present conditions do not warrant the very expensive construction called for across the north arm of Burrard inlet, and that, in any event, a location resulting in far less property damage, and less expensive to the company, can be secured; and I think that, in the meantime, the company's traffic can be well looked after by the car ferry at Roche point.

Mr. Bond, who appeared for property owners interested in district lot 230, objected to the Canadian Pacific Railway Company's location. A mill has already been constructed; and Mr. Bond advised the board that some large industrial concerns were contemplating the erection of works on the property which would be rendered impossible by the adoption of the plan as laid out.

The original plan called for construction along the water front on both sides of the lot; but now that the location on the shore of the north arm is refused, the whole of that frontage is available. It would have been impossible to throw the line somewhat further back, if the location, as a whole, had been approved; but approval of the line only to the ferry, makes it necessary for the company's trains to have access to the water.

The board's chief engineer has made a careful study of the profile, and has advised me that it is impracticable to swing the line any distance from the water on the inlet side and at the same time make proper ferry connection. Property owners will hold undisturbed their frontage on the North Arm; but the location as laid out on the Canadian Pacific Railway's Company's plan on the Burrard inlet side is approved.

It is beyond all question that, for the proper development of the industries contemplated, railway facilities are required for the property, and that more or less property damages are inseparable from the construction of the railway.

The submitted location from the end of the Port Moody branch, station 182-70, to the ferry dock shown on the east side of the north arm, is also approved.

A good deal has been said to the creation of foreshore rights by order of the board. The matter of foreshore rights is entirely one of title and of the administrative practices of different departments in patenting water lots. The approval by the board gives the railway company no title in any of the property; the title has to be obtained under provisions of the Railway Act.

If property owners have not already obtained patents of their water lots, that is a matter for them to look after either by arrangement with the railway company that,

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in selling them their right of way where such right of way abuts the foreshore, the railway company shall not maintain the right, which may or may not be recognized, to apply to the proper department for a patent or by obtaining the patent before parting with their property. If already patented, the water lots are and will remain the property of the land owners; and, in case the severance of their holdings by the construction of the railway line interferes with the use of the water lot held as an adjunct to the shore property, appropriate damages are recoverable under the Railway Act.

Commissioner Goodeve concurred.

Order approving location issued.

June 27, 1913.

RE C. N. R. BRIDGE OVER MOIRA RIVER, BELLEVILLE, ONT.

APPLICATION, city of Belleville, that the Canadian Northern Railway Co.'s bridge over the Moira river be raised four feet.

CHIEF COMMISSIONER DRAYTON:

An application has been made by the city of Belleville that the bridge of the Canadian Northern Ontario Railway Company over the Moira river be raised at least 4 feet; that a subway with headroom of at least 11 feet be constructed under the railway on front street; that the crossing on Pinnacle street be a level crossing paved on each side thereof, and the grade of the approaches thereto not more than 2 per cent; that Church street remain open and a level crossing be maintained thereon, with the grade of the approaches thereto not more than 2 per cent; that an overhead bridge for pedestrian and vehicular traffic be constructed across the tracks of the Canadian Northern Ontario and the Campbellford, Lake Ontario and Western Railways on George street, the north end of such bridge and the approach thereto to extend northerly on George street so as to have as easy a rise as possible from the said George street up the incline and over the top of the said bridge; that Newberry street be made straight, 66 feet in width, well made, properly ditched, and of the best possible grade, and that cars be not allowed to stand within 50 feet of the boundaries thereof; that Foster street be provided with a proper crossing and all safeguards; that provision for the opening of Dufferin street be made; that on the west side of the river Moira a subway be built at the foot of James street for the use of those occupying the sheds and factory to the south, and the other lands which are considerable in extent and suitable for factory purposes; that there be an opening under the said tracks at the foot of Mary street, to enable the city Board of Works to place a main thereon; and have a hydrant on or near the property now occupied; and that there be provision for a level crossing at what is known as the Bridge road, the grade on each side of the said crossing not exceeding 2 per cent.

Application has also been made by the Campbellford, Lake Ontario, and Western Railway Company for approval of its location through the city of Belleville, and, both matters having been heard by the board, they should be considered together.

The location and structures of the Canadian Northern Ontario Railway Company were made with the assent of the city of Belleville, and to some extent as the result of agreements with the city's representatives. No formal agreement was ever entered into between the parties; but the different steps taken by the railway company were discussed fully by representatives of both the city and the company; and the subsequent action taken was in accordance with the understanding arrived at between these representatives.

Under these circumstances, the advisers of the corporation in its present application realized that their application could not succeed, unless it were shown that the railway companies had, in some way taken advantage of the corporation.

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It was accordingly alleged that, while the different matters resulting in the construction of the Canadian Northern Ontario Railway were under consideration, the solicitor and clerk for the city of Belleville was in the employ of and acting as solicitor for the railway company in various matters; and that, in consequence, the rights and interests of the applicants were not safeguarded and protected as they should have been, and that the railway company took advantage of this circumstance.

Evidence was given at the hearing in support of the said allegations. Messrs. H. W. Ackerman (formerly a member of the City Council), W. B. Deacon (President of the Board of Trade at the time in question), Alderman Wallbridge, Mayor Wills, and W. B. Mickel (former Solicitor for the City), were called as witnesses on the issue of fraud. They were immediately connected with the transactions between the city and the railway company; but their evidence did not support in any way the charge of fraud or the obtaining of an improper advantage by the railway company.

Mr. Mickel acted for the Canadian Northern in certain matters in which the city was not at all concerned; but he did so with the full knowledge of the council of the city of Belleville. The matter was discussed by that council; and a resolution to the effect that Mr. Mickel should not be permitted to do work for the railway company, was voted down.

After the examination of the witnesses was concluded Mr. Porter, who appeared for the city, very properly stated that he had considered the effect of the evidence offered; and that, in fairness to Mr. Mickel and justice to his clients, he would be unwarranted in further pressing the charge; so he requested to be allowed to withdraw the imputation, and asked the Board not to draw any adverse inferences from the evidence that had been given against Mr. Mickel.

Under these circumstances the only question open to the Board is the consideration of the best solution of the various problems (in view of the present state of affairs), having regard both to the municipality and the railway company.

The first location of the Campbellford, Lake Ontario, and Western Railway Company crossed the tracks of the Canadian Northern Ontario Railway at a point adjacent to Macdonald street, or the eastern limit of Belleville, and then continued in a westerly direction, south of the Canadian Northern and at distances varying from 100 to 250 feet therefrom.

The result of the adoption of this location is to duplicate whatever inconvenience is caused and damage done to the city of Belleville by the Canadian Northern lines. It necessitated two bridges over the Moira river, and created pockets on highways between the two tracks.

The location was not opposed by the city council; and, after a formal hearing at Ottawa, it was approved on September 19, 1911, by order No. 15289.

The officers of the board desiring, if possible, to confine the railway tracks and operation to as small a space as possible in the city, directed the companies to consider the question of joint operation within the city limits,—with the result that the Campbellford, Lake Ontario, and Western Railway Company consented to abandon its approved location and to run over the right of way of the Canadian Northern on a track of its own constructed on the said right of way.

The present application of the Campbellford, Lake Ontario and Western Railway Company is for the approval of a plan showing the road practically on the right of way of the Canadian Northern within the city limits.

To my mind, there is no question whatever as to the advisability of approving of this location in the interests of the city of Belleville, as well as in the interests of traffic conditions generally.

Representations were made by the city that flooding has been caused by the construction of the Canadian Northern bridge. Ordinarily speaking, one would suppose that the more piers you have in the river the less chance there is for the water to get away; but it seems quite clear that there were floods in the same locality long

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before the construction of the Canadian Northern. The engineers of the board report that, in their opinion, the piers of the Canadian Northern have had nothing to do with the floods in question, which are said to be entirely similar in character to those that previously took place; and I understand that representations are now being made by the city to the proper department for the construction of works which will narrow the river, increase the facility of the flow, and, in the opinion of the engineers, largely do away with the flood difficulties. In any event, the construction of the works of the Campbellford, Lake Ontario and Western Railway Company which consists merely of the lengthening of the piers with the result that no greater surface of pier construction is exposed to the stream, cannot affect the situation one way or the other.

A plan was put in, on behalf of the city, showing the reconstruction of the Canadian Northern tracks from a point approximately 1,500 feet east of Church street to a point 3,500 feet west of James street. The plan calls for the raising of the present bridge 5 feet, which would result in raising the tracks 5 feet on Front street, and 4 feet above the present grade of the railway on Pinnacle street, where the tracks are already 2 feet above the level of the street. This plan was prepared and presented with a view to obtaining a 12-foot subway on Front street, and providing for subways of the same depth on James and Front streets. The city engineer estimated the cost of the work \$22,800. This estimate was carefully checked by the chief engineer of the board, and an independent estimate was made by him with the result that, in his opinion, the cost of the proposed raising of the railway bridge and the other changes necessitated thereby would be \$40,000 instead of \$22,800.

Pinnacle street is traversed by a Grand Trunk shunting track, which provides an important and apparently necessary facility for industries located on its line, and on the water front south of the right of way of the Canadian Northern Railway.

As the matter now stands, a slight further raising of the Grand Trunk track is necessary; and the board has been advised by the representatives of the city of Belleville that the company could operate the said track if it were lifted four feet above its present grade, and would make no objection to the adoption of the city's plan.

On taking the matter up with the Grand Trunk, we find it opposed to the change, on the ground that the lift required by the city's plan would result in placing the Grand Trunk track 5 feet 8 inches above the street level, involve heavy abutment damages, and practically destroy the use of the track, adding that this line, on Pinnacle street, is a very important and useful piece of property, providing the company's only means of access to certain important industries and to the docks at the mouth of the river; and that it will become of more importance in the near future, when the new dock to be constructed by the Dominion Government is completed.

Mr. Biggar, the company's general counsel, states that he has a thorough personal knowledge of the situation, and has no hesitation in saying that if the track were raised to the extent proposed, not only would it be useless for the purposes to which it is now largely devoted, but the damage to adjoining property would be very great indeed; and the board's chief engineer also reports that the raising of the Grand Trunk track as contemplated would result in an unworkable condition, so far as the spur and adjacent team delivery track are concerned.

The adoption of the city's plan would also very largely call for a reconstruction of the Canadian Northern Railway Company's layout in Belleville, to which the city consented, and under the circumstances, would work an injustice to that company.

In any event, I do not think there is a necessity for a subway on James street. There is no traffic to warrant it.

I was of the view, however, that a subway should be ordered near Front street, as recommended by the board's engineer. This recommendation of the engineer was based on the supposition that high water, as shown on the plan submitted, was flood water and not the high water which occurs in the spring and early summer, lasting perhaps three or four months—but merely the height of the temporary flood which would last for a varying period of from two to four weeks.

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On this assumption, the engineer was of the opinion that the floor plan of the Canadian Northern Railway bridge could be reconstructed so as to afford additional headroom; and that a subway could be built two feet deeper than the present subway near Front street; but, on receiving further information, as the result of representations made by the city of Belleville, on the question of water levels, he has withdrawn his recommendation; and I think he is right in doing so.

The height of the subway, at best, would be only 11 feet; and if the floor were covered with 2 feet of water for a period of three or four months in the year, it would be very little use to anybody.

The engineer's report is as follows:—

"In my report of June 16, I stated that a subway of about 11 feet in height could be had. I was guided by the profile submitted by Engineer Evans for the city of Belleville, on which he marked high-water level. I took that as the highest water at flood level and figured that it would be dry at ordinary low-water level as shown on his profile; but I find that what he marked as high water is the ordinary summer level of the bay of Quinté; and that being so, a subway 11 feet deep would be flooded the year round. Hence I think a subway at this point is out of the question."

Under the circumstances, I am reluctantly forced to the conclusion that no subway can be constructed, and that the level crossing must remain.

In arriving at this conclusion, I am not influenced wholly by the matter of cost. Over and above this and the fact that the city, rightly or wrongly, consented to the present lay-out, it is quite clear that on the one hand, the subway asked for, if constructed at the best obtainable level, would be of comparatively little use, certainly not so useful as a well maintained and properly protected level crossing; and on the other hand, the adoption of a new railway elevation would likely result in injury to some of the industries now located on the Grand Trunk line, and would disorganize the traffic of the Canadian Northern during the period of reconstruction.

There is no reason why the city should not be allowed to carry its water main across the tracks at the foot of Mary street. The city engineer can take up the exact location with the board's engineer, and the work done under the supervision of the engineering department of the board.

Messrs. Commissioners Mills and McLean concurred.

July 25, 1913.

RE LOCATION KETTLE VALLEY RAILWAY.

MR. COMMISSIONER GOODEVE:

It would appear from the evidence on file with this application that the British Columbia Government having a full knowledge of the facts in connection therewith, including the objections of J. M. Robinson of Naramata, the South Kelowna Land Company, and others, gave its approval to the revised location—see letter of J. J. Warren, dated April 22, 1913—confirmed by his letters of May 12 and 19 respectively—enclosing copies of letters dated May 7 and 16 from G. H. Dawson, Surveyor General of the British Columbia Government. Also letter dated May 9 from R. A. Renwick, Deputy Minister of Lands of the British Columbia Government.

2. That the Minister of Railways and Canals, also with a full knowledge of all the facts in connection therewith before him, including a memorandum prepared by F. C. Gamble, Chief Engineer of the British Columbia Government, gave his approval of the route map of the revised location.

3. That by section 159, subsection 3 of the Railway Act, this board is limited to 1 mile in any deviation it may make in granting its sanction to approval of route; and in the memorandum prepared by Mr. Simmons, Assistant Chief Engineer of the board, he points out that it would be impossible to develop the distance necessary

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to obtain a suitable grade within the one-mile limit. He also gathers from Mr. Gamble's memorandum above referred to that if permission is given by the Government of the province to build the dam it means the abandonment of the railroad; but, if permission is refused to build the dam it does not mean that the irrigation enterprise must of necessity be abandoned.

I am of the opinion, therefore, that approval should be granted and order issue accordingly.

Assistant Chief Commissioner Scott concurred.

December 18, 1913.

RE CANADIAN NORTHERN TUNNEL COMPANY REVISED LOCATION THROUGH RAINVILLE PROPERTY.

APPLICATION of the Canadian Northern Tunnel Company, for revision of location plan through the property of Mrs. H. B. Rainville.

ASSISTANT CHIEF COMMISSIONER SCOTT:

In an application, dated November 25, 1913, the Tunnel Company applied to the board for its sanction and approval of a plan showing a revised location of its tunnel line. The plan, and book of reference, are dated Montreal, July 10, 1913, corrected to November, 1913, and are signed by Mr. Brown, Chief Engineer, and Sir Donald Mann, the vice-president of the company. The only change in the plan which affects Mrs. Rainville is that it shows a desire on the part of the railway company to take the whole of her land instead of a part as indicated upon the original plan. The additional part now shown to be taken is a small triangular piece with an area of 645 square feet. The book of reference on the revised plan shows that the whole land of Mrs. Rainville is to be taken, and not merely an easement as appears to be the case with other landowners in her neighbourhood.

In accordance with the board's usual practice, this plan was referred to the board's engineer to report upon, and in due course, it was recommended by the engineer for the approval of the board. On November 27, 1913, order No. 20899 was issued granting the company's application for the approval of its revised location.

In December, 1913, in view of representations made to the board by Mr. Rainville to the effect that the approval of the revised location might have the result of seriously prejudicing Mrs. Rainville's rights with reference to the property, it was decided to suspend the operation of the order approving of the revised location, and set the matter down for discussion at the sittings of the board in Montreal on the 5th instant.

At the Montreal sittings both parties were represented by counsel and were heard at considerable length. It appears that, some months ago an order was made by the Superior Court of the province of Quebec, pursuant to the Railway Act, granting the company possession of the land upon a deposit being made in court of \$125,000 as security for the payment to the landowner of whatever amount might be awarded to her by arbitrators who were to determine the damage to her property caused by the construction of the tunnel underneath the surface of it. The company had taken possession of the land and partly constructed its tunnel. These expropriation proceedings were taken on the original location plan. It was submitted by the landowner that the approval of the revised location by the board would give the tunnel company the right to discontinue the present arbitration proceedings, withdraw the \$125,000 deposit from court, and leave the land owner in a position where it would be necessary for her to take an action in the civil courts against the company to recover damages for the injuries she had already suffered. It was also contended by the landowner that in the event of the company taking an easement merely, which would give it the right to construct and maintain its tunnel underneath the surface of the land-

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owner's property, but leave the fee of the property in the landowner, that she would have difficulty in securing proper compensation for the damage she had already suffered. It was stated by the company's counsel that it was the intention of the company to take the land outright and not merely an easement, and this statement is borne out by the book of reference already referred to which clearly shows that it is the intention of the company to take the land and not merely an easement.

If all the land is taken by the company and its value determined by arbitration, the landowner would, undoubtedly, get proper remuneration for her property and she would not be put to the necessity of taking a separate civil court action to secure compensation for the damages already suffered. It seems to me it will be better for both parties that the tunnel company's present intention of acquiring the fee in the whole of the landowner's property should be carried out. The company has the right under its charter to elect to take an easement or the fee. I think it would not be fair, in view of the representations that have been made to the board, for the company after the revised location had been approved of to change its position and decide to take an easement only. Such action, were it taken by the company, would, I think, seriously prejudice the land owner's position.

In my opinion an order should go approving of the revised location upon condition that the company take the fee in all the land of the landowner.

Messrs. Commissioners McLean and Goodeve concurred.

Order issued accordingly.

January 22, 1914.

RE T. H. AND B. CO.'S ENTRANCE INTO CITY OF HAMILTON, ONT.

APPLICATION of the Corporation of the City of Hamilton, Ont., under Section 237, for Order compelling the Toronto, Hamilton and Buffalo Railway Company to abandon its entrance into the City via Hunter street and adopt, in conjunction with the G.T.R., and the C.N.O.R., a common location in the north end of the city.

The application was originally heard in Hamilton on the 10th day of October, 1913, at which counsel for the city and the respondent company were present.

Objection was taken that the board was without jurisdiction to make the order applied for.

The board decided that it had power to entertain the application, and hearing was delayed upon the merits to enable the railway company to appeal to the Supreme Court upon the question of jurisdiction. Later the respondent company refused to perfect the appeal, and the board decided that, as the questions involved were questions of law, although dealing with the matter of jurisdiction, it had the power to and would reserve a case for the opinion of the Supreme Court.

The submission of the counsel for the railway company was that as only the question of jurisdiction was raised, it was not competent for the board of its own motion to take the opinion of the Supreme Court upon it.

Oral judgment delivered by Chief Commissioner Drayton, at the hearing, February 17, 1914:—

It seems to me impossible to say that a question of jurisdiction is not a question of law.

In the first instance, the scheme of the whole Act has to be borne in mind in dealing with the appeal, the object of the Act being the consideration of arriving at finality as speedily as may be and limiting appeals as much as possible without the leave of the board; and so it is that section 54 declares that a finding or determination of the board upon any question of fact within its jurisdiction shall be binding and

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conclusive. Section 55 is probably the section which Mr. Cahill relies upon. Under this section, the board may of its own motion or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case in writing for the opinion of the Supreme Court of Canada upon any question which in the opinion of the board is a question of law.

A distinction is drawn—and this distinction, of course, gives point to the objection raised—by subsection 2 of section 56 and by subsection 3 dealing with the other matters, between matters of jurisdiction on the one hand and matters of law on the other, in so far as the right of appeal is concerned, subsection 2 giving an absolute appeal from the board to the Supreme Court when allowed by a judge of the Supreme Court on a question of jurisdiction, while under subsection 3, so far as concerns any question of law, an appeal does not lie in the same way; it can be taken only upon a question which in the opinion of the board is a question of law, and after the leave of the board has been obtained.

The result of the legislation is that the board's decisions on matters of fact are absolute; and that, unless the board in its discretion grants leave, its decisions on questions of law are also binding and conclusive, except in so far as questions of law determining the jurisdiction of the board are concerned, in which case an appeal may be allowed by a judge of the Supreme Court. Over and above all this, of course, there is the right of appeal to the Governor in Council, which, however, is not material in the consideration of a distinction such as that now sought to be made.

I think it is absolutely impossible to distinguish between jurisdiction and law except to this extent, that jurisdiction is a question which is related to a legal issue having the matter of jurisdiction for its consideration; it is nevertheless a question of law, just in the same way as tenure of land or anything else is a question of law—it is a matter of law applied to one particular object.

Jurisdiction in my view, as applied to courts, merely means the legal power of hearing and determining controversies, the constitutional legal power to take cognizance of and decide cases according to law and to enforce findings. In other words, the right of exercising the functions of a judge or a legal tribunal. As the derivatives of the word import, it is the law declaring or speaking. I am of opinion that it is impossible to say that a question of jurisdiction is not a question of law.

In the application of the question to the points at issue in this case, which calls into question the effect of certain portions of the statutory law as contained in the Railway Act and in the private Act, it cannot be said that these matters are not legal questions, although they undoubtedly are, at the same time, questions dealing with the matter of the board's jurisdiction.

To my mind, the result of the statute is not to change the characteristic of the question of jurisdiction from one of law to a bare question of fact, but to distinguish among different questions of law which may arise, by limiting the right of appeal to questions of law which involve the matter of the jurisdiction of the board.

The jurisdiction of the High Court of Justice to decide questions of law upon appeal or otherwise under the Parliamentary Elections Act, 1868 (Eng.), or any Act amending the same, which was declared by section 14 of the Judicature Act of 1881 to be final and conclusive, unless in any case the High Court gave special leave to go to the Court of Appeal, was considered in the case of *Shaw v. Reckitt* (1893), 2 Q. B. 59.

In this case, an order for the amendment of an election petition under section 40 of the Corrupt and Illegal Practices Prevention Act of 1883, was made by a judge sitting in Chambers who was not on the rota for the trial of election petitions. The order was rescinded by the High Court, on the ground that the judge had no jurisdiction to make such an order. On appeal to the Court of Appeal, it was held that the question so decided—that is, the question of jurisdiction—was one of law within the meaning of section 14 of the Judicature Act, 1881, and consequently that no appeal lay to the Court of Appeal without leave.

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So I propose to follow what was done by the late Chief Commissiouner, Mr. Justice Killam, in the Essex Terminal Case, where he submitted direct questions on jurisdiction in a stated case, asking for example, the followiung questions:—

Whether the Board of Railway Commissioners had jurisdiction prior to the 20th July, 1907, to make the orders above complained of.

Whether the Board of Railway Commissioners had power to refuse to set aside its order so complained of.

Whether the Board of Railway Commissioners might then lawfully authorize the Windsor & Essex Company so as to maintain, etc.

Whether the order proposed to be made by the board, as aforesaid, was one which, in the exercise of its discretion, the said board had power to make.

These questions were considered and answered by the Supreme Court; and no objections seem to have been taken to the stated case.

The parties will be given one week within which to submit any suggestions they desire to make as to the form which the questions to be submitted by the board for the opinion of the Supreme Court should take.

MR. COWAN: It struck me at the moment that it was only such a case as this that was contemplated by the Act, and that the board would submit a case for the opinion of the Supreme Court.

THE CHIEF COMMISSIONER: In a matter of this kind, where both of you say we are wrong and both of you say we are right, and neither of you wants to appeal, it would seem to be proper for the board to submit a case.

MR. COWAN: Very well. Then, what, in your opinion, should we submit to the board?

THE CHIEF COMMISSIONER: The form of the case to be stated. The solicitor for the railway company will be written to and asked to put in the same thing; and we will consider the form when your submissions are received. It will not be necessary to speak to the matter again.

MR. COWAN: No.

THE CHIEF COMMISSIONER: The case of the Essex Terminal Railway v. Windsor, Essex and Lake Shore R. R. Co. will be found in 40 S. C. R. 620.

RE SOME FARM CROSSINGS ON THE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RAILWAY.

ASSISTANT CHIEF COMMISSIONER SCOTT:

On Thursday, the 17th instant, Commissioner Mills and I visited the location of the railway to examine farm crossings over the tracks of the railway.

In dealing with incidents in connection with the construction of this railway, I think we should bear in mind that it is being constructed through an old and well settled portion of the province of Ontario, which is now well provided with railway facilities, and that there is no public demand or necessity, so far as the inhabitants in the immediate vicinity of the railway are concerned, at any rate, as regards the construction of the railway. The circumstances are very different from those which we usually find in connection with the construction of a railway in a new territory, like the Prairie Provinces or British Columbia, where railway facilities are urgently needed to open and develop the country.

The portion of line we examined in the county of Durham runs through a fine, well developed agricultural area. The land being of a rolling nature, there are many cuts and fills on the line of the railway; and it seems to me that, under the circumstances stated, the company should, whenever the ground lends itself to a separation of grades, provide a farmer with a bridge or an undercrossing, to enable him to get from the front to the back portions of his farm without the inconvenience and danger of a level crossing. It may be said that a landowner can be compensated in money for the location of a line of railway through his property; and possibly that is true in

some cases; but it is extremely difficult to determine what amount of money would adequately recompense a man for the danger, inconvenience, and extra labour involved in constantly crossing and driving live stock to and fro over a railway on his farm.

I therefore think that the Campbellford, Lake Ontario and Western Railway Company should construct bridges and an undercrossing instead of grade crossings on the farms hereinafter referred to. I know that these, in most cases, will cost the railway company more money than grade crossings would cost, but I cannot see why, in such cases, farmers should be made to suffer simply to enable a company to construct a cheaper line of railway.

First.—The cases of A. A. Colwill, J. Richard, and T. Penfound.

The railway crosses Mr. Colwill's farm in a cut of considerable depth, extending for some distance on each side of his farm lane, which he has used for years past to go from the front to the back end of his farm. Mr. Rickard has had a farm lane running from the front to the rear of his farm, used many years for farm purposes. This lane is now severed by a cut over twenty feet deep, and if the cut is not spanned by a bridge, he can reach the rear part of his farm only by using a portion of his land for a long diversion of his lane down a somewhat steep hill and up the said hill on the opposite side of the railway; and, if the diversion is made, he will have to haul manure to, and his firewood with all the crops grown on, the rear portion of his farm, down or up the hill in question, and run the risk of driving his live stock to and fro over a level crossing at the mouth of a deep cut, three or four times a day in the case of milch cows, and all animals which would have to cross the railway for water. Mr. Penfound's case is precisely the same as that of Mr. Rickard, except that the cut across his lane is a couple of feet deeper and the hill quite a bit steeper.

In my opinion, the railway company should construct bridges at these three crossings.

In Colwill's case, the crossing should be made so that the middle of the bridge will be midway between two rows of apple trees on the south side of the cut, somewhere between 100 and 200 feet east of the present lane, as may be agreed upon between the parties. In the case of Rickard and Penfound, the bridges should be opposite the existing lanes.

Second.—The case of Mr. R. R. Stevens, lot 16, concession 1, township of Darlington.

The railway will be ten or eleven feet over the lane running from the front to the back of Mr. Stevens' farm. He has offered to take an undercrossing with a 10-foot clearance; but the company insists that he should climb a steep hill and take a level crossing at a point suggested by it.

I think Mr. Stevens' application should be granted giving him a proper undercrossing 15 feet wide with 10-foot headroom.

Therefore in brief, I may say that, in my opinion, orders should go for separation of grades as above at the four farm crossings in question.

Commissioner Mills concurred.

Ordered accordingly.

April 21, 1913.

RE C. L. O. AND W. RY. CROSSING FARM OF W. S. PROVINS, KINGSTON, ONT.

In *re* the complaint of W. S. Provins, Kingsford, Ont., in reference to the matter of an agreement between him and the Campbellford, Lake Ontario and Western Railway Company, regarding crossings over the railway on his farm, alleging that when he made the said agreement he was not aware that there was to be an 8-foot cut through the centre of his farm, which cut will, he says, interfere more or less with the view from each of the proposed crossings at opposite sides of the farm.

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MR. COMMISSIONER MILLS :

Regarding the matter of this complaint, I beg to state that, in my opinion, when a farmer is asked to accept a crossing at one side of his farm, some distance from the main lane through the farm, he should be provided with a 20-foot lane on each side of the railway, leading from his main lane to the crossing placed on the side of his farm to avoid expense to the railway company.

So, after a personal inspection of Mr. Provins' farm and the proposed grade crossings thereon, in company with the Assistant Chief Commissioner, I think two grade crossings should be given him as agreed; and, in order to avoid the purchase and fencing of lane diversions to two crossings on opposite sides of the farm, one of the said crossings should be, not at the west side of the said farm, but in line with his main lane through the farm, and be constructed in accordance with the "Regulations of the Board Regarding Farm Crossings," issued on the 17th January, 1910,—with emphasis on section 1 (b) and section 3 of the said regulations; and the other as proposed, at or near the eastern boundary of lot 3, which latter crossing—to be used chiefly for live stock—can easily be made at very small cost.

The crossing on lot 4 to be at a point to be agreed upon between the railway company and the owner of the land.

Assistant Chief Commissioner Scott concurred.

Ordered accordingly.

May 16, 1913.

RE C. N. O. RY. CROSSING FARMS OF J. J. STINSON AND ROBERT MOORE, TP. NEPEAN, ONT.

IN re the application of the Canadian Northern Ontario Railway Company for authority to construct under-crossings at stations 667-80 and 668-10, on the farms of J. J. Stinson and Robert Moore, respectively, lots 11 and 12, concession 2, township of Nepean, county of Carleton, Ont.

MR. COMMISSIONER MILLS :

Mr. Moore objected to the location of the crossing at one side of his farm on the ground that it would be inconvenient for him and would involve him in considerable unnecessary expense in the handling of his live stock and the working of a portion of his farm; and he applied to the board for an order directing the company to construct his crossing in line with the main lane, or farm road, running from his buildings through the farm to a level crossing over the Canadian Pacific railway.

The case was heard at Ottawa on the 6th May, 1913, and was reserved for further consideration before final action by the board.

The location of the proposed crossing at one side of Mr. Moore's farm, some distance from the main lane running from his buildings through the farm, is the least expensive location for the company; but it will undoubtedly be inconvenient for Mr. Moore and will force him to spend more time and pay more for labour than would be necessary if he were allowed to go by the direct route, along the main lane through his farm, as hitherto. It should, however, be borne in mind that the company has voluntarily offered to give Mr. Moore a farm subway of the regulation width of 15 feet. By such a crossing, danger will be avoided and Mr. Moore's inconvenience and his extra expense will be less than they would be, if he had to use a grade crossing on any part of his farm; so I think the matter may be equitably arranged by authorizing the railway company to construct the said undercrossings on the location applied for, on condition that it provide, for Mr. Moore's use, a 20-foot lane, on the north side of its right of way, extending from his undercrossing to the main lane, or graded road,

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which runs through his farm to a level crossing over the Canadian Pacific railway; and my opinion is that the matter should be disposed of by an order to that effect.

May 23, 1913.

Assistant Chief Commissioner SCOTT:

When Mr. Moore was paid for land and damages, it was admittedly with the understanding that he was to put up with the inconvenience and danger of a level crossing at a grade 5 feet high and the company having increased the grade so as to make a level crossing impossible, has offered to give him, at large expense, 400 feet from his main farm lane, a 15-foot undercrossing of the regulation height, which, in the opinion of the board, places Mr. Moore in a better position than he would be with a grade crossing in line with his farm lane, or at any other point on his farm.

Therefore, after due consideration, the board has concluded that the offer of the company is a reasonable one; and that an order should go approving of the construction of a subway at the point shown on the plan, and in accordance therewith.

Commissioner McLean concurred.

Order issued as applied for.

May 31, 1913.

RE CATTLE PASS—JOHN SCISSONS, TP. MARCH, ONT.

Complaint of John Scissons, South March, Ont., relative to refusal of Canadian Northern Ontario Ry. Co. to provide a cattle pass on his property on Lot 11, Con. 3, Tp. of March, Ont.

Heard at Ottawa, June 4, 1913.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing:

It appears that, when the agreement was made to sell the land to the railway company, it was pointed out by the company's agent that the landowner could not have a cattle pass. It looks to me as if the railway company's agent was right; that as things appeared there could not be a cattle pass. I am not now sure that the opening which the applicant wants with a head room limited to four feet, six inches, will be enough. However, that is what he is willing to take; and without disturbing the existing agreement between the landowner and the railway company, the board feels disposed to let the landowner go on and do this improvement himself at his own expense and take it for what it is worth. It will be subject to supervision of the railway company.

Mr. ARMSTRONG: We will be satisfied with that.

THE ASSISTANT CHIEF COMMISSIONER: I do not think an order will be necessary. Mr. Temple, you will see that your sectionman lets him go on there and dig it out for himself?

Mr. TEMPLE: Yes, sir.

RE FARM CROSSING—E. GOOD, TP. NEPEAN, ONT.

Application Canadian Northern Ontario Ry. Co. for approval of plan of farm crossing for Mr. E. Good, Lot 5, Con. 6, Tp. of Nepean.

Assistant Chief Commissioner SCOTT:

This matter came before the board at our sittings at Ottawa on the 4th June; and, although the majority were of the opinion that the request of the landowner for a farm crossing at the points "A"—"A" shown on the plan on this file should be granted, we nevertheless felt that as the evidence was not very clear, it would be of

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advantage if an inspection on the ground was made before an order was issued. An inspection of the locus in quo was made by two members of the board yesterday.

Mr. Good has 100 acres of land, consisting of a long narrow strip about 675 feet in width adjoining a side road. The railway line cuts off the southwest end of the farm, leaving a triangular corner containing about 2.71 acres cut off from the rest of the farm. To get from one portion of his farm to the other across the railway track, Mr. Good wants a farm crossing parallel to and adjoining the side road. The railway company suggests that, instead of constructing the farm crossing, it should put gates from the two portions of the farm leading on to the highway and build an approach; so that Mr. Good instead of crossing the railway by means of a farm crossing should go out on to the side road, cross over the tracks on the highway and turn back in again to his property on the other side of the track.

Mr. Good has two objections to the railway company's suggestion: One is, that in driving cattle from one side of the track to the other, if he had to use the highway, he would not have the gates which are found at farm crossings to control the movement of the cattle until he had an opportunity of seeing that the track was clear; and the other one is, that the grade of the highway is considerably higher than the portion of his property east of the track; and that it would be difficult, inconvenient, and dangerous for him to drive out of his field up the grade of approach to the crown of the highway. I think the first objection of the landowner is a good one; but, the other objection about driving up on to the highway, I think could be overcome by the railway company constructing an approach from the field to the highway which would fan out at the highway; thus giving an opportunity for a team of horses with a heavy load to be turned in the direction in which they were to go before the crown of the highway was reached.

In the view I take of this matter, I think the wishes of the landowner should prevail. The obligation of the railway company to provide him with a farm crossing is contained in the first paragraph of section 252 of the Railway Act which read as follows:—

"Every company shall make crossings for persons across whose land the railway is carried, convenient and proper for the crossing of the railway for farm purposes."

This is a direct obligation placed upon the company by the Railway Act to provide Mr. Good with a farm crossing; and, unless by contract or otherwise the landowner relieves the company from this obligation, I think the company should discharge the obligation. The method suggested by the company, giving the landowner a way from one part of his farm to the other across the railway, is not considered convenient or proper by the landowner; and I think his position is well taken.

As to the exact location of the company's right of way where the farm crossing should be constructed, I am of the opinion that the point at which Mr. Good has asked for a crossing, which is indicated by the letters "A"—"A" on the plan, is the proper place; because Mr. Good will then be able to use his boundary fence as one of the fences to a lane leading to the crossing, if at any time he decides to construct a lane on his property.

I think, therefore, an order may now issue in accordance with the oral judgment pronounced at the hearing, which we now confirm.

Commissioner Mills concurred.

June 14, 1913.

Mr. Commissioner McLEAN:

I do not feel that I can add anything to what I said at the hearing. I have since seen the situation on the ground, and do not see any reason to change the opinion I expressed at the hearing.

Order in accordance with judgment of Assistant Chief Commissioner Scott, issued.

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CATTLE PASS UNDER C. N. R. RY.—WILLIAM AND ROBERT WILSON, TOWNSHIP WESTMEATH, ONT.

Application of Wm. and Robert Wilson for a livestock or cattle pass under the Canadian Northern Ontario Ry. on Lot 26, Con. "B," Tp. of Westmeath, county of Renfrew, Ont.

Mr. Commissioner MILLS:

The board has had much difficulty in settling disputes between farmers and railway companies regarding the construction of live stock and cattle passes under railways. It had to dispose of half a dozen such cases at a recent hearing in Toronto; and it frequently has as many as four or five written appeals in a week.

Hence it may not be amiss to discuss the situation briefly in connection with this case.

Injury to property.—With a view to promoting the public interest, Parliament has gone a long way and incurred serious responsibility in authorizing companies to construct railways through farms, orchards, and buildings in almost any direction they think proper, and compelling farmers to submit thereto.

No one who realizes what is involved, will buy a farm crossed by a railway, unless at a very considerable reduction from the price of similar land in the locality.

By the construction of a railway across his land, a farmer is done an irreparable injury. He may be compensated to a certain extent, but, under normal circumstances, he cannot be adequately paid for the injury done to his property.

Hence the contention, however honest it may be, that a farmer should accept, for the portion of his land taken by a railway company, something near the average price per acre of land in the locality, is manifestly unwarranted.

In re live stock.—Cattle and other farm animals are in the fields during about seven months of the year—say from the middle of April to the middle of November—in which months there are 182 working days.

Except in rare instances, women and children cannot safely drive live stock over a railway crossing at grade. Animals often turn right or left, and run along the railway track or the grass-covered bank on one side or other of the track. A man is required for the work.

During the seven busy months, the hired man on a farm is working a team at least two-thirds of the time—say two-thirds hauling out manure, ploughing, cultivating, harrowing, drilling, rolling, mowing, reaping, hauling in hay, hauling in grain, cultivating fallow ground, hauling firewood, etc. During the remaining third of the said months, he is employed at other work, without a team—repairing fences, cutting weeds, threshing, turning and piling manure, cleaning threshed grain, cutting firewood, etc.

Thus it appears that the man in question has to drive the live stock on the farm across the railway during seven months of the year, six times a day in dry, hot weather (when it is necessary to water animals morning, noon, and evenings, but usually only four times a day—cows to be milked and all live stock (horses, steers, cows, and smaller animals, young and old) to be watered, unless there is a constantly available supply of water on both sides of the railway.

Common labourers are paid 25 cents an hour, or at the rate of \$2.50 for a ten-hour day, in Toronto and Ottawa; and the hired man on a farm costs the farmer—money, board, and lodging—at least 20 cents an hour, or \$2 for a ten-hour day.

A wagon with a team is paid 66½ cents per hour, or \$6 for a nine-hour day, in Toronto; and 58.89 cents per hour, or \$5.30 for a nine-hour day in Ottawa.

It is, therefore, well within the mark to say that a man and a team are worth 40 cents per hour, or \$4 for a ten-hour day, on a farm.

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The man with his team turns out at 7 a.m.; and a short time afterwards he has to leave his team in the field for at least half an hour, to drive the live stock across the railway and drive them back as soon as they are watered. He has to do the same thing before six o'clock in the evening; and, even when there is available water on both sides of the railway, he must drive the cows home to be milked and take them back after milking, morning and evening. An hour per day is thus spent by the man for two-thirds of seven months, or 120 working days, during which hour his team is idle; and for one-third of seven months, or sixty working days, when he is working without a team.

So, however the farmer may arrange matters, he has to have his man, with or without a team, leave his work morning and evening, for at least half an hour each, to drive the live stock to and fro across the railway, which, in brief, means as follows:—

Time of man and team one hour per day for 120 days during which hour his team is idle), at 40 cents per hour, amounts to	\$48 00
Time of man alone one hour per day for sixty days at 20 cents per hour amounts to	12 00
Total per year	\$60 00

No account being taken of Sundays or mid-day watering in dry, hot weather, which may be taken as offsetting occasional days when the team in question will be idle because of rain or a drive away from the farm.

It requires \$1,200 at 5 per cent to yield \$60 a year; and hence a railway company should, I think, be willing—even anxious—to give a farmer an adequate livestock or cattle pass under its railway wherever it is possible to do so, even by going two or three feet below ground level, in order to avoid damages under this head.

I may add that the above estimate does not take into account the inconvenience, loss of time, and everlasting annoyance caused by the opening and shutting of two gates every time a team is driven across the railway—it may be ten or more times a day during portions of haying and harvest.

The application in the Wilson case is made on the ground that when the right of way agent of the railway company asked William Wilson, one of the two brothers, what he wanted for the right of way through his farm—it being assumed by both parties that a crossing over the railway “convenient and proper for farm purposes” (as set out in the Railway Act) would be provided by the company—the said William Wilson answered in the presence of his brother Robert, that he wanted \$500 and a cattle pass; and that the said agent replied that the fill, or dump, where a cattle pass for both farms would be required, being only 6 feet or thereabouts, no cattle pass could be constructed, but that he would furnish grade-level crossings and give each of them \$500 cash.

It turns out that the fill in question is 7·8 feet “sub-grade” (as stated in a letter written by Mr. Temple, and assistant solicitor for the company, on May 22, 1913,) or nearly 10 feet from ground level to top of rail. Hence the appeal for a cattle pass.

The right of way agent denies the statement attributed to him by the Wilson brothers,—that the height of the fill across their property would not exceed 6 feet or thereabouts; and Mr. Temple wrote that, in the case of Mr. R. Wilson, Mr. Barbour, on one occasion, was present with Mr. Barchfield, the said right of way agent, and explained to Mr. R. Wilson, personally, the height of the fill; but Mr. R. Wilson, in a letter written on the 13th September, 1913—three days before the hearing of the case—replied, that Mr. Barchfield, the right of way agent, in answer to a question had told him that the fill where the cattle pass was desired would not exceed 6 feet or thereabouts; and that the dump which Mr. Barbour, in company with Mr. Barchfield explained to him, was across a highway which he wanted Mr. R. Wilson to accept

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instead of a crossing on his farm; and, on examination at the hearing, Mr. Barbour admitted that the fill which he had discussed with Mr. R. Wilson was across the highway and that the height which he had mentioned was "sub-grade", or about 2 feet less than the actual height from the ground level to the top of the rail.

Mr. Temple maintains that the \$500 paid to each of the applicants was to cover the right of way and all damages; but he admits that there is nothing on record to show that there was any agreement or understanding to that effect.

Mr. Temple also calls attention to the fact that he has looked up the company's right of way files, and has found that it has closed purchases for right of way lots immediately in that neighbourhood, as follows:—

E. Delaney, N. $\frac{1}{2}$ lot 27, 3.04 acres.	\$450
A. Carnegie, S. $\frac{1}{2}$ lot 27, 2.96 acres.	500
Geo. Thrasher, lot 26, 1.93 acres.	150
Jas. McDonagh, S. $\frac{1}{2}$ lot 24, 2.93 acres.	450
J. R. Davidson, lot 23, 1.81 acres.	150

It should, however, be borne in mind, that there is a great deal of rock in that part of the country, and Mr. Temple has furnished no information as to the character of the land in any of the above cases, while Mr. William Wilson, at the hearing of the cases, alleged that in most, if not all, of the cases referred to the land was rocky, and, in some instances required considerable cutting,—adding that the land which the company is crossing on his farm is first-class, and that if the company will go some distance further north on his farm, he will give it a right of way for nothing.

The height from ground level to top of rail being nearly 10 feet, there should be no difficulty about drainage; so, considering the facts admitted and the statements made as above, I think it is clearly a case in which, as already intimated by the board, a livestock pass should be constructed on the line between the two farms in question, wide enough to allow cows and horses to pass one another when they happen to meet in the passage (say 6½ feet in height by 6 feet in width); and that the company should be authorized to arbitrate the matter, if it thinks it has paid the applicants too much for the land taken and the damages resulting from severance, with the inconvenience and loss of time caused by the opening and closing of gates in driving across the right of way,—apart from the use and benefits of a live stock pass.

September 23, 1913.

Assistant Chief Commissioner SCOTT:

I agree with Dr. Mills that there should be a cattle pass constructed on the line between the farms of William and Robert Wilson; but, only on the conditions that within two weeks from the issuance of the order the landowners pay back the money they received from the railway company; and, that if the parties after the construction of the cattle pass are unable to agree de novo on the compensation to be paid the landowners, it should be determined by arbitration under the Railway Act.

September 24, 1913.

Mr. Commissioner McLEAN:

I agree with the recommendation as to the construction of the cattle pass, and on the condition as set out by the assistant chief commissioner. Each application for a cattle pass must of necessity be dealt with as a question of particular facts. It is impossible in such a matter to lay down hard and fast rules. The present application is one which is determined on the facts peculiar to it.

In so far as the positions laid down by Commissioner Mills imply that there are additional damages, as set out, for which compensation should be rendered, I am unable to agree. What may be considered by arbitrators acting under the Railway Act is fully established. The board has no power to go beyond the Railway Act, or to say that in addition to compensation for the land taken and the damages arising

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from severance additional factors should be considered bearing on additional damages to be awarded. It is sufficiently clear that the Railway Act contemplates full compensation for the land taken and the damages arising from severance.

Commissioner Goodeve concurred.

September 24, 1913.

Mr. Commissioner MILLS (postscript):

Referring to the last clause in Commissioner McLean's judgment, I may say that I am entirely in accordance with his statement that "the Railway Act contemplates full compensation for the land taken and the damage arising from severance"; and all I intended in that part of my judgment dealing with live stock, was a brief discussion of a portion of the damages which result from severance when a cattle pass in not provided.

September 26, 1913.

RE FARM CROSSING—H. RAY—TP. MARCH, ONT.

Application of Henry Ray for farm crossing under the tracks of the Canadian Northern Railway, in the township of March.

Assistant Chief Commissioner SCOTT:

Henry Ray applies to the board for an order directing the railway company to give him an undercrossing through a trestle which carries the track across Ray's farm. At the point where Ray wants the opening in the trestle left, there is a clear opening from the ground to the supports underneath the rails of 14 feet. I have visited the location. There was at the time an opening through a trestle which was being used for a farm crossing, and which in all probability would be left open for eight or ten years, during the life of the timbers.

The railway company's answer to the application is that the applicant agreed with the company to take a level crossing. The agreement, which is dated April 27, 1912, and signed by Mr. Ray is as follows:—

"The undersigned being the owner of part of lot 25 in the 3rd concession of the township of March and county of Carleton hereby agrees to sell and convey to the Canadian Northern Ontario Railway Company, in fee simple, free from all encumbrances, with immediate possession from this date, so much of the said lands and appurtenances as may be required by the company for the right of way and other requirements of its railway, as shown on plans thereof deposited, or to be deposited, in the registry office for the said county at \$1,175 (eleven hundred and seventy-five dollars) lump sum including all damages for severance or depreciation. The above sum includes the extra land required to extend the grade for farm road outside of right of way. Fences to be returned to the culvert in order to allow cattle to pass through to have one level farm crossing at or near the present farm road.

Money to be paid in sixty days.

The undersigned acknowledges that no verbal promises have been made to him by the agent."

The agreement was signed before the railway was constructed across Mr. Ray's property. I do not know whether he was shown a plan or not; but, I think it can be assumed that at the time the agreement was made, he did not understand the nature of the work the company contemplated doing on his farm. Mr. Ray appeared at the hearing and did not impress me as being a man who would be a match for the astute right of way agent of the company who made the bargain with him. A disinterested witness told us at the hearing that the bargain was made in a hotel at Ottawa; that

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Ray had been drinking, and, in his opinion was not in a fit condition to make an agreement.

After visiting the location of the company's tracks across Mr. Ray's farm, Mr. Mountain, chief engineer of the board, made the following report:—

"In accordance with instructions of the board I accompanied Assistant Chief Commissioner Scott and Commissioner Goodeve to South March in connection with Henry Ray's crossing.

This man has a fill across his farm anywhere from 15 to 20 feet. There is a permanent trestle across most of this at a height of at least 15 feet over the ground. The proper method of crossing is by an undercrossing at the west bend of the permanent trestle, which should be a permanent undercrossing. No other crossing should be considered."

Section 252 of the Railway Act places the obligation of the company of supplying a farmer whose land is crossed by the railway with a crossing which is "inconvenient and proper for the crossing of the railway for farm purposes."

At the time I visited the farm of Mr. Ray, the railway company was constructing a ramp to carry a farm lane up over the railway tracks on the level. According to a plan submitted by the railway company the grade on this ramp was to be 1 in 12; and, on the east side from the centre of the track to the point where the ramp would run out it is nearly 200 feet long, and crosses over a creek before reaching the tracks. I do not think such a crossing could ever be considered convenient and proper for farm purposes.

The width of the roadway, which the railway company proposes to build upon to the level crossing is about 8 feet. Too narrow for a farm wagon to turn upon it. There would be no escape for a man who had started up that ramp towards the track if his horses became frightened at a passing train. The board, by general order No. 55, issued regulations requiring a railway company to submit plans of all farm crossings to the board where the height of the embankment was 11 feet or over. This regulation of the board was not complied with by the railway company in the present case.

Were it not for the agreement, all the circumstances in this case point strongly to the conclusion that the undoubted duty of the railway company in this case was to have given Ray an undercrossing. Counsel for the railway company frankly admitted at the hearing that it was the policy of the company in all cases to endeavour to save itself from having to give a farmer an undercrossing. That was undoubtedly the principle that the railway company followed in the present case; because I think the company paid Ray more than his land was worth; and, it is fair to assume, that in paying him the amount it did, it realized it was being relieved of an obligation placed upon it by the Railway Act to give him an undercrossing.

The board is, of course, not bound by a contract which a railway company and an individual may enter into, if it appears to us to be in contravention of the Railway Act; or, for other well defined reasons recognized by the courts of the province, it should be considered void or voidable. Nevertheless, I very much dislike interfering with an agreement if it had been fairly entered into by both parties. In the present case, if justice can be done to both the railway company and Ray, I think the agreement should be ignored. Our duty is, to see that the Railway Act is followed and that this farmer is given a convenient and proper crossing.

The opening through the trestle, for an undercrossing actually exists to-day and has in fact been used; and, if the railway company can be put back in the position that it was in before the agreement was made, I think it should be ordered to provide Ray with a permanent undercrossing. I think an order should go for such a crossing, on condition, that within thirty days Ray gives to the railway company a satisfactory bond for the payment back of any amount he may have received in excess of what the

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parties may agree upon, or may be determined by arbitration, to be fair compensation for the land taken and damages done by the railway. The giving of a satisfactory undercrossing to be considered in reduction of damages. The parties will, if this bond is given, be in a position to start afresh and determine what amount of the \$1,175 Ray should be permitted to keep bearing in mind that he is to have an undercrossing instead of a crossing at grade.

Commissioners Mills and Goodeve concurred.

February 11, 1914.

Mr. Commissioner McLEAN:

An agreement was duly entered into between the applicant and a representative of the railway. It may be, as alleged, that the applicant made an improvident bargain; it may be that there was a lack of mutual agreement of understanding as to the terms of the agreement. It is not alleged that the words of the agreement are otherwise than clear and explicit. If the agreement is to be voided for cause, it is a matter which, in my opinion, falls more properly within the jurisdiction of a tribunal other than the board. Under the circumstances, I do not feel free to express an opinion upon the merits while the agreement stands.

February 12, 1914.

G.T.R. AND C.N.O.R. SUBWAY, PLAINS ROAD, WEST OF BURLINGTON JUNCTION, ONT.

Assistant Chief Commissioner SCOTT:

This matter was heard by Commissioner Goodeve and myself at a sitting at Hamilton on the 28th May last, and after an inspection of the *locus in quo*, Commissioner Goodeve concurred in a memorandum of mine, dated 16th August, requiring a subway to be constructed to carry the highway under the existing tracks of the Grand Trunk and the tracks of the Canadian Northern Ontario railway; the location plan of the line of that company to be amended so that the Canadian Northern Ontario Railway Company's tracks will cross the highway in question beside the tracks of the Grand Trunk.

By order No. 17369, dated 30th August, 1912, the Grand Trunk Railway Company was ordered to prepare a plan of the proposed subway, and the question of the apportionment of the cost of the said work was reserved. In compliance with the order, the Grand Trunk have filed a plan of a subway. In accordance with the arrangement, the different municipalities whom the board thought might be benefitted by the construction of the subway have filed submissions in writing of their contentions with regard to the distribution of the cost of the work.

There are two points therefore, yet to be considered; one is, as to the character of the subway; and the other is, as to the apportionment of the cost of its construction.

With regard to the character of the subway, the Grand Trunk Railway Company has filed a plan showing a curve in the highway so that the subway would pass under the tracks of the railway companies at right angles thereto instead of on an acute angle as the highway is now traversed by the railway tracks. In submitting the plan the railway company suggested putting a curb down the middle of the subway so as to divide the traffic on the highway going in different directions to prevent collision. This idea of separating the traffic on the highway with a curb was one which the board thought worthy to be submitted to the municipalities interested, inasmuch as a right angle subway would be very much cheaper than a subway on the present line of the highway; and, as there would have to be some contribution from the municipalities interested, they might deem it wise to approve of the less expensive method of construction.

After submitting the Grand Trunk Railway Company's proposal to the municipalities we thought interested, we received very forceful objections to the right angle

subway from them. It seems to me that bearing in mind the importance of this highway and the fact that I think there should be some municipal contribution to the cost of the subway, the board should not deviate from its determination to have the subway follow the line of the highway as closely as possible, as expressed in my memorandum of August last. I therefore, would refuse approval of the Grand Trunk Railway Company's plan.

This is one of the main highways between Toronto and Hamilton, and is one of those selected for improvement under the "good roads" scheme of the Ontario Government. A single span is, of course, more desirable than two spans with abutments in the middle where it is feasible from an engineering point of view to have that character of construction. In the present case, if the subway was on the exact line of the highway a single span would be practically impossible owing to the length the steel work would have to be to carry the railway over the highway. Supports in the middle of a subway are thought by some to be objectionable, and in the present case the curb which the railway company shows down the middle of the subway, which it proposes is strongly objected to by some of those interested in the highway.

I have, therefore, had our engineer prepare a plan showing a single span opening of 35 feet as nearly on the highway line as it can be put consistent with reasonable expenditure. The angle is one of forty-five (45°) degrees, and the approaches are nicely rounded out to join the highway on each side. This subway would cost about \$44,000; and I think should be approved of by the Board.

A subway on the straight line of the highway with supports in the centre, our engineer estimates would cost about \$119,000, and would be 240 feet long under the railway tracks. Apart from the excessive cost, our engineer has other objections to such a subway and cannot recommend it.

What he now suggests will, I think, make a satisfactory subway from the point of view of the public travelling on the highway. The level crossing which we find there to-day is a very dangerous one, and it will be a substantial benefit to the residents of the surrounding district to have this danger eliminated. To bring this about, the Board in all such cases, think it fair to assess a portion of the cost on the municipalities interested. In this case I have come to the conclusion that it is fair to ask the village of Burlington, and the township of Nelson, each to contribute something towards the cost of the work. After carefully considering what these municipalities have submitted to the Board, and all the other circumstances affecting this matter, I believe a contribution of 5 per cent of the cost of the work, after deducting a contribution of \$5,000 from the Railway Grade Crossing Fund, would be reasonable. Where we assess a portion of the cost on a township, or a village, we do not as a rule assess an additional portion on the county; and we will not do so in this case.

Before leaving the question of municipal contribution, I would like to point out for the benefit of those interested that under the Ontario Municipal Act, any municipality ordered by this Board to contribute towards the cost of a work of this character, may raise the money to pay its share by debenture, without special legislation, and without submitting a by-law to a vote of the people. This makes an easy and simple method for municipalities to raise money for works of this kind without impairing the amount raised by their annual taxes which is required for other purposes.

The Canadian Northern Ontario Railway Company at first desired to cross this highway with its tracks about one-half a mile away from the place where we have ordered this subway. In order that this additional level crossing of the highway might be prevented, the Canadian Northern were ordered to amend its location plan to show a crossing over the highway adjoining the Grand Trunk Railway Company's tracks. In this way the Canadian Northern Ontario Railway Company would contribute its fair proportion of the cost of the subway. At this point, it appears by the plan of our engineer submitted to the Board, that there will be one C.N.R.

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track and four G.T.R. tracks. The travel on the Grand Trunk main line tracks is very heavy; as, in addition to all the Grand Trunk trains, these tracks are also used by the Canadian Pacific under an agreement with the Grand Trunk. The Canadian Northern are to have a single track at this point; and I presume for some years to come the traffic on it will not be very heavy.

Bearing in mind the number of tracks and the probable user of them, it seems to me that 25 per cent of the cost of the work would be a fair proportion to place upon the Canadian Northern Ontario Railway Company.

Under the Railway Act, which provides for a contribution for the separation of grades out of a Government fund, we are permitted to give 20 per cent of the cost of such work as this; but, it must not exceed \$5,000. Twenty per cent of the cost of this work would be greater than \$5,000, but we are prevented by the Act from giving more than that amount.

I therefore think that the cost of the work should be apportioned as follows:—

Contribution from Railway Grade Crossing Fund, \$5,000.

After deducting this contribution, the balance to be apportioned as follows:—

Township of Nelson	5%
Village of Burlington	5%
C.N.O. Railway Company	25%
G.T. Railway Company	65%

Commissioner Goodeve concurred.

Order, in accordance with judgment, issued.

March 17, 1913.

RE DIVERSION KINGSTON LOTS 14 AND 15 TOWNSHIP DARLINGTON, ONTARIO, BY
C. L. O. & W. RY.

Application C. L. O. and W. Railway Company, under section 237, for authority (1) to divert the Kingston road lots 14 and 15, concession 1, township Darlington, Bowmanville, Ontario; (2) to carry said diversion across tracks of said Railway by means of overhead bridge, mileage 149.5 (from Glen Tay); (3) to continue and connect diversion with Kingston road; (4) to divert road allowance between said lots 14 and 15, and connect with said diversion of Kingston road; the portions of said road and road allowance thus replaced by proposed diversions are to be closed.

Mr. Commissioner GOODEVE:

After a careful consideration of all the evidence submitted at the several hearings, and by correspondence on file, and a visit to the *locus in quo* accompanied by the Board's assistant chief engineer, I have arrived at the following conclusion:—

The first question to be considered by the Board is one of safety. The Board's engineers have advised that there is no difference in the factor of safety between the plan of the proposed subdivision and one carried directly in line with the highway—that both are easily safe. I think, therefore, this factor may fairly be eliminated from the present case.

The next question, and one that was largely dwelt upon in the evidence submitted, was that of utility and convenience. Referring to the plan submitted by the railway company you will see that this diversion will only make a difference of 150 feet in the distance to be travelled, and the radius of the sharpest curve is 140 feet while that of the average street car at a corner of the street is 45 feet. The approaches to the bridge will be on a 5 per cent grade, while that existing on the present highway is 10.8 per cent grade. This being the governing grade for this district, the increased efficiency in haulage and speed of vehicular traffic would more than offset the increased

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distance. The following figures show the tractive force required to draw a load of 1 ton up grades of 5 per cent and 11 per cent:—

Load	Grade	Tractive Force Required.
One ton	5 per cent	145 pounds.
One ton	11 per cent	265 pounds.

For a load of 1,000 pounds the tractive force required would be half the above figures; and for a load of 500 pounds one-quarter of the above figures.

Drawing a load of 1 ton, which requires a tractive force of 145 pounds on a 5 per cent grade, a horse should make 138 feet per minute.

Drawing a load of 1 ton, which requires a tractive force of 265 pounds on an 11 per cent grade, a horse should make 75 feet per minute.

For loads of 1,000 pounds and 500 pounds, the distances should be doubled.

These figures show that the speed on a 5 per cent grade would be nearly double that on an 11 per cent grade with the same load, so that if the grade of 11 per cent on the hill near Bowmanville is 150 feet long, the increased distance on the proposed diversion would be about wiped out by the increased speed that one would be able to make on the 5 per cent grade.

The railway crossing in the proposed diversion will be at an angle of 52 degrees as against an angle of 15 degrees in the road allowance; so that from the standpoint of utility it cannot be said there is a very large factor of difference.

There remains the question of injury to private individuals in the immediate vicinity. This involves many more considerations than appear on the surface, and any principle laid down is far-reaching in effect. It was very strongly urged that the mere question of costs should not weigh as against safety, utility and injury to private individuals, and I think where the question of safety is involved, this is in a large measure true; but, I have shown that the factor of safety, and to a large extent, if not entirely, that of utility may be eliminated in this discussion, so that there remains but the factor of inconvenience and injury to private individuals, as against convenience and advantage to the public as a whole. Parliament has evidently recognized and provided for this difficulty; the following sections of the Railway Act making ample provision for injury done to private individuals in the construction of railways.

The provisions of the Act relating to compensation:—Under section 155, the company, in the exercise of its powers is required to do as little damage as possible, and to make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers.

By section 175, empowering the company to take possession of or occupy Indian lands, compensation must be made therefor.

Under section 176 the company may take possession of, the lands belonging to any other railway company, and if the parties fail to agree as to compensation, the Board may fix such compensation.

Section 179 empowers the company to use adjoining lands for the purpose of constructing or repairing its railway, or in the exercise of the powers conferred upon it, provided such lands are not more than 600 feet distant from the centre of the located line of the railway; and, further, that due compensation be made therefor.

So also under section 182, where a company enters into and upon lands lying along its line of railway to erect and maintain snow fences, it may do this only subject to the payment of such land damages as are actually suffered.

Section 215 provides that the company may not take possession until payment of the compensation awarded for land taken has been made.

Sections 192 and 200 deal with the procedure in determining and awarding compensation.

By section 237, compensation to be paid by the company for land across or along the highway shall apply to land exclusive of highway crossing.

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By section 6 of chapter 22 of the amending Act, 1911, the provision in the Railway Act (section 235) authorizing the construction along or across highways, was amended to provide that the company should make such compensation to adjacent or abutting landowners as the Board should determine.

It will be noticed by the amendment of 1911, that even where no land is taken by the railway company, the Board is to grant such compensation to adjacent or abutting landowners as it deems proper.

If the Board laid down the principle that costs were not to be considered in any order it might make, this would involve a very largely increased capital cost in the construction of our railways, and as the capital costs have a direct bearing on the freight and passenger rates charged, these would necessarily have to be increased. The estimated cost of the two plans made by the Board's engineer is \$12,000 for the proposed diversion, and \$45,000 for an overhead crossing on the road allowance. The average cost of railway construction in Canada is \$59,454 per mile, so that the difference involved here, viz., \$33,000, would, if that principle were applied all over in the same ratio, increase the capital costs by more than one-half.

The Board's assistant chief engineer Simmons, who examined the *locus in quo*, has strongly recommended the proposed diversion, and this has been concurred in by the Board's chief engineer Mountain.

In the memorandum of the chief engineer of the Board, dated April 10, 1913, it is stated as follows:—

"This is a much less important road than Sunnyside avenue in Toronto, or the Lachine road at Rockfield, near Montreal, where the Board in both cases has put overhead constructions at a much sharper angle than this one, the Rockfield crossing being practically at an angle of 70 degrees, and that at Sunnyside avenue about an angle of 60 degrees, and no objections have been raised to these in any way. I should say the travel on the Lachine road is about ten times that on the Kingston road, and in addition we have recommended a 5 per cent grade, which will be an improvement over anything existing there now, they having now a 10.8 per cent grade. I have no hesitation in saying that, in my opinion, the plan, dated March 6, 1913, should be adopted, because it allows an easy curve on to the Kingston road to Bowmanville."

I think, therefore, the recommendation of the Board's chief engineer should be accepted, and the plan filed under date of March 6, 1913, be approved; the bridge to be 25 feet in width, and the approaches on a 5 per cent grade. Detailed plans to be submitted to the engineer of the Board for his approval.

Chief Commissioner Drayton and Commissioner McLean concurred.

April 11, 1913.

Chief Commissioner DRAYTON:

I have had the opportunity of reading the carefully considered judgment of Mr. Commissioner Goodeve, agreed to by Mr. Commissioner McLean, and, after consideration, concur in it.

The plan of deviation was one, in the first instance, approved by the municipality. This approval does not bind the Board one way or the other, but is at least a circumstance to be considered in the determination of the question.

That solution appeared to the municipality, in the first instance at any rate, as proper.

I think that the cross street as shown on the original plan should be carried at a better angle, which can easily be done; but with this change made, I would much prefer the deviation shown on the first plan to that of the second, the distance between the ramp and the railway being greater in the first instance, a matter of advantage, as, of course, all horses in the neighbourhood of railways are more or less subject to alarm.

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I do not think the straight road now asked by the municipality is in its best interests. The maintenance of the highway on a trestle 135 feet long would be bound to be expensive, and the structure unsightly and unnecessarily obtrusive. To direct the company to carry the highway as now requested by the municipality would be to depart from the practice of this Board since its inception. No such solution of a highway crossing has ever—so far as I have been able to ascertain—been made. Safety should in all instances be considered before cost. Here, however, in each direction there is a clear view of five or six hundred feet, and one structure is practically as safe as the other. I think, however, that a solid fence should be erected on both ramps for the protection of drivers, in case green horses should become frightened by trains or by automobiles.

The real objection of the railway's plans as developed at the Board's hearing is founded largely on the automobile danger. It is alleged that a firm of automobile dealers use this particular road as a place for testing out their machines at high rates of speed. It would occur to me that this is a matter for the local authorities to deal with. It is certainly not a reason for penalizing trade and commerce, and that danger will exist on any elevated structure whether it be constructed on an absolutely straight line or constructed on the curve described in Mr. Commissioner Goodeve's judgment.

Regarding the question of costs, it is a mistake to talk of railways practically as public enemies. While sometimes they are public nuisances, they are also public necessities; and it is a mistake to think that the result of any administering board by its orders causing the railway companies to waste money is merely hurting the railways. Railway revenues are paid, not by the railways but by the public, and any unnecessarily extravagant railway investment forms an unnecessary burden to a greater or less extent distributed directly on the traffic which the public supplies.

A method of grade separation and deviation which the late chief commissioner, against the wishes of the municipality, found to be safe and proper for the crossing from King street to the Lake Shore road in Toronto, cannot, in my view, be described as dangerous and inefficient for a crossing of the Kingston road, in the township of Darlington, although near the flourishing town of Bowmanville.

Order issued as applied for.

May 10, 1913.

RE CHAMBERS STREET SUBWAY, SMITH'S FALLS, ONTARIO.

Assistant Chief Commissioner SCOTT:

This matter was before the Board at the last December and January sittings. Everybody agrees that the construction of a subway is the best solution of the difficulty. Our engineer recommends a width of 35 feet. I would like to see a wider subway than that put in, were it not for the fact as pointed out by the engineer that the work would be very expensive as there will be chiefly rock excavation. I think therefore, the width should be 35 feet, but it should be clear; that is, without any upright supports within that width.

As to the question of cost. Chambers street is at one end of the company's yard. There are four tracks crossing the highway at present, including the main line between Toronto and Montreal. There is considerable traffic on the railway over the crossing, not merely for through trains, but for shunting purposes. In plans submitted by the railway company, in addition to the existing four tracks, they show three more tracks. It is quite clear, therefore, that separation of grades at this point will be of material advantage to the railway company.

There is considerable travel on the highway. It is one of the main thoroughfares into Smith's Falls from the township of Montague. Some people having business interests in Smith's Falls, who reside out in the township, also use this highway.

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We were told at the hearing that the total assessment of the township is a little over \$700,000, and the population 1,741. I feel that the township should contribute something towards the subway; but, owing to its circumstances the contribution can only be a small one.

The subway would undoubtedly be of considerable advantage to the town, and in accordance with our practice it should contribute something towards the cost. It must be borne in mind, however, that the town is agreeable to the closing of Pacific and James streets, and that the railway company has already got considerable advantage in its freedom from grade crossings in Smith's Falls.

The railway company submits that the total cost of the subway will be \$141,000. It seems to me this is rather an excessive amount; but, in the dispositions of this matter which I suggest, the exact amount of the total cost is not a matter of importance. In passing, let me point out that of course the sum mentioned by the railway company includes a structure to hold up seven tracks, whereas there are only four on the ground to-day. The municipalities, of course, should not be expected to pay for any portion of the structure which would be required to hold up the extra three tracks.

I therefore think that the cost of this work should be borne as follows:—

Township of Montague.	\$ 2,000
Town of Smith's Falls.	13,000
Contribution, Railway Grade Crossing Fund.	5,000

Chief Commissioner Drayton, and Commissioner Goodeve concurred.

Commissioner MILLS:

Considering all the facts and circumstances in connection with this and other crossings and the closing of streets in Smith's Falls, I think the amount placed upon the town is excessive; and for other reasons, I regard the sum required of the township as more than it should be asked to pay. Hence I am unable to concur in the above distribution of cost.

Order, in accordance with judgment of Chief Commissioner Drayton, issued.

April 22, 1913.

CLOSING OF HIGHWAYS—JURISDICTION OF BOARD.

Applications were repeatedly being made to the Board by railway companies to have highways closed.

Chief Commissioner DRAYTON:

Some orders have in the past issued closing highways in so many words, and these orders are referred to by the railway companies in support of their requests for similar orders. In no instance, however, that I have been able to discover has any street been closed except where some highways forming part of a general scheme of rearrangement, have been diverted. Applications for orders closing highways come in in varying forms, and it has become necessary to rule on the Board's jurisdiction in connection with the matter.

The Board has no jurisdiction to close highways. The Board has the right to divert. Diversion implies two things: firstly, laying out of a new right of way for the public, that is, a highway across the railway company's right of way; secondly, closing of the previous highway. The Board's jurisdiction so far as closing is concerned, is confined entirely to the extinguishment of the public right to cross the railway company's right of way. It can go no further.

The appropriate order to be applied for and to be drawn by the law clerk, if the application is granted, is an order authorizing the road diversion and the construction of a grade crossing on such diversion in accordance with the standard requirements of the Board and as shown on the proper plans and profile, filed. Secondly, that

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after the diversion is made and grade crossing constructed thereon in accordance with the Board's standard regulations, the railway company may close that portion of the existing road allowance, authority for the diversion of which is granted, within the limits of the railway company's right of way.

May 10, 1913.

RE GATES—OSLER AVENUE—NORTH TORONTO, ONT.

In re application of the City of Toronto for the installation of gates, to be operated day and night, at the crossing of Osler Avenue by the Canadian Pacific Railway in North Toronto.

Mr. Commissioner MILLS:

In October, 1911—about a year and a half ago—the question of protection at this crossing was briefly considered by the Board; but no order was made; so, on the 20th March, 1913, the city applied for the installation of gates, to be operated day and night, at the said crossing.

There is a siding across the street on the south side of the two main tracks, another siding branching off northeast of the crossing, and a transfer track connecting with the main line northwest of the crossing. A couple of high board fences, a wood pile, and a number of buildings seriously interfere with the view of approaching trains. The traffic on both the highway and the railway is heavy; there is some shunting over the crossing; the chief operating officer of the Board is inclined to think that protection should be provided; and our chief engineer, after a personal inspection a few days ago, has recommended that gates, to be operated day and night, be installed at the crossing—20 per cent of the cost of installation to be paid out of "The Railway Grade-Crossing Fund," and the remainder of the cost of the installation with the entire cost of the operation and maintenance, to be paid by the city and the railway company—one-half ($\frac{1}{2}$) by each.

Such is a brief statement of the facts; and I may add that I concur in the recommendation of the engineer—the half-and-half division of the cost being partly due to the fact that it has not been clearly shown whether the railway right of way originally crossed any portion of Edmund street on the north or Cooper avenue on the south, which street and avenue seemed to provide for a continuous route from the south towards the north, the said route having subsequently been given the name of Osler avenue.

Commissioner McLean concurred.

May 10, 1913.

GRAND TRUNK CO. V. CANADIAN PACIFIC RY. CO.

The Grand Trunk Railway Company applied for an order requiring the Canadian Pacific Railway Company to reconstruct bridge No. 145, mileage 12.23, 10th district of the Grand Trunk Railway Company's line, which carries the applicant company's railway over the Canadian Pacific Railway.

The bridge was originally constructed by the Ontario and Quebec Railway Company now owned and operated by the Canadian Pacific Railway Company, under an agreement with the Midland Railway Company, now part of the Grand Trunk System, of date February 21, 1883.

Prior to the agreement referred to, the Ontario and Quebec Railway Company filed its plans and commenced the construction of its railway, which necessitated four crossings of the Midland line. Three were made by the construction of bridges, and the fourth—the crossing in question—situated near Myrtle, by an undercrossing, the result being that in three instances the Grand Trunk trains ran underneath and in the case in question, over the line of the Canadian Pacific Railway Company.

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The bridge in question was damaged by work of the Canadian Pacific Railway Company and is now supported by temporary structures. It has to be put into a good and sufficient state of repair by the Canadian Pacific Railway Company, and perhaps reconstructed. The Grand Trunk Railway Company desires that the Canadian Pacific Railway Company should strengthen and add to the bridge to permit of the operation of rolling stock of the present standard—the bridge is some thirty years of age—and the application involves an entirely new structure.

CHIEF COMMISSIONER DRAYTON:

The whole issue is as to whether or not the Grand Trunk is entitled to a bridge sufficient for modern requirements, or whether the responsibility of the Canadian Pacific is discharged by merely placing the present bridge in repair, or replacing it with a similar bridge of like character.

The agreement provides:—

“That the said several crossings above mentioned shall all be maintained at the cost of the Ontario Company (Canadian Pacific), and shall each always be maintained in a good and safe state, so as in no way to endanger the property, fixed or movable, of the Midland Company, and against all damages because of the construction or non-maintenance of the said crossings, and each of them, the Ontario Company shall and will save the Midland Company harmless.”

Mr. MacMurehy, for the Canadian Pacific, urges that “maintenance” merely means the preservation of the bridge in its former condition, or the substitution of a similar bridge; and Mr. Biggar’s submission is that “maintenance” must be construed as applying to the changing and increasing necessities of traffic.

In addition to the above position taken by Mr. MacMurehy, he points out that no such intention can be drawn from the agreement, because where changes are to be made to meet altered conditions, the agreement specifically provides for them. The paragraph that he relies on reads:—

“That each of the said bridges shall be well and substantially built, and shall have a space in each case in the clear for the purpose of the Midland Company (Grand Trunk), of the number of feet above expressed, and in each case shall be erected, kept, and at all times hereafter maintained in a good and sufficient state of repair, and at such a height above the Midland Company’s line of rails, as shall secure at least seven feet clear above the highest of any freight cars now or hereafter passing over the Midland Company’s said lines respectively, as provided in the statutes in that behalf now in force, or which may hereafter be passed by competent authority in that behalf; and this shall be done at the costs and charges of the Ontario Company (Canadian Pacific).”

For the purposes of the Midland line it was necessary to provide for clearances—as are set out particularly in each case—where the surface of the right of way of that company was being interfered with by the Ontario Company’s line; otherwise the abutments of the different bridges might have been placed in such a manner as seriously to inconvenience the Midland’s operations; and I have no doubt that the clearances insisted on by the Midland were ample and sufficient for its purposes.

In like manner, it was also necessary for the Midland to provide that bridges must be put at such a clearance overhead as would free the Midland from the restrictions of the Railway Act, and allow a space of 7 feet between the top of its highest car and the obstruction over its line.

The case of the undercrossing is different. Here the abutments are built on the lower level to be traversed by the constructing company. The Midland is not concerned in clearances either above or below.

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Having so far protected themselves, however, does the agreement under the usual rule absolve the company from any changes in connection with the undercrossing? In my view, it does not.

The Midland Company received no consideration; and, in my view, no restriction of its right to use its property for railway purposes was contemplated. The constructing company doubtless could have got crossings under the order of the Railway Committee, proper regard having been had to the rights of the senior line. Doubtless, for this reason the agreement was entered into; not with any thought that the operations of the Midland were to be in any way curtailed or hampered by the methods of crossing decided on.

In my view, the word "maintenance" has to be read in its wider sense, and entailed upon the constructing company the duty of maintaining the bridge in question as a part of the permanent way of the Grand Trunk line, and sufficient for the purposes of that company.

I think the agreement does not defeat what I find to be the intention of the parties. The right of the Midland, and its successor the Grand Trunk, to run any and all trains over the bridges is unlimited. It certainly was within the knowledge of both contracting parties that the weights of engines, and other rolling stock, from time to time increased. The constructing company is protected from any unreasonable addition in the weight of rolling stock by the fact that the Grand Trunk has to strengthen all its bridges before the heavier rolling stock can be used on the line. The additional weight of the Grand Trunk rolling stock is reasonable, and no heavier than, if as heavy as, that used by the Canadian Pacific. The Grand Trunk desires to make its whole line, from Lindsay to Whitby, available for what is known as "E 50 loading", to enable that company to detour trains either from the main line between Whitby and Port Hope, or from the Port Hope-Midland line, making the carrying capacity of the branch equal to that of the line between North Bay and Port Arthur.

Assuming that the work of the Canadian Pacific had never injured the bridge in question, its maintenance as an inefficient bridge would "endanger property, fixed or movable, of the Midland Company;" and the covenant "against all damage because of the construction or non-maintenance of the said crossings, and each of them, the Ontario Company shall and will save the Midland Company harmless," would apply.

The terms of the agreement and the circumstances under which the interpretation of the word "maintenance" arises are different in this case from that between the Intercolonial Railway and the Grand Trunk Railway; but the general reasoning is entirely in support of the opinion now expressed. I entirely concur in the judgment of the late Chief Commissioner, Mr. Justice Killam, in that case.

At the hearing I asked the parties to supply the Board with information as to the difference in cost between a bridge sufficient to carry the former traffic and the bridge required by railway conditions of to-day; but the parties have not supplied this information. The Board's chief engineer will determine just what this difference is, and whether reconstruction of the present bridge would, in any event, be necessary, or whether mere repairs would be sufficient.

An order will go for the construction of a bridge sufficient for to-day's requirements; detail plans and stress sheets to be submitted to an engineer of the Board for his approval, unless the engineer finds that the plans already submitted by the Grand Trunk Company are proper and reasonable. The Canadian Pacific Railway Company will build the bridge according to these plans, at its own cost; but I think that the Canadian Pacific is entitled to have the opinion of the Supreme Court—should they desire it—as to whether or not the excess of cost, to be determined by the Board's chief engineer, should, under the agreement, be borne by the company. In the event of the Supreme Court advising the Board that the Canadian Pacific is not liable under the agreement, then, the Grand Trunk must pay the difference to the Canadian Pacific. Plans must be submitted and approved within thirty days, and the work completed in four months.

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The Canadian Pacific, is, of course, entitled to the salvage of the present structure.

Commissioner Mills concurred.

May 10, 1913.

Mr. Commissioner McLEAN:

I am unable to agree with the direction of the Chief Commissioner that the cost of reconstruction of a bridge sufficient for to-day's requirements should be borne by the Canadian Pacific Railway. With full appreciation of the reasoning of the late Mr. Justice Killam, as referred to by the Chief Commissioner in his judgment, I am unable to see that this reasoning indicates the pathway to be followed here. In so far as the new bridge is an improvement over the existing one, the improvement should be considered in the nature of an addition or betterment.

In the agreement between the Midland Railway Company of Canada and the Ontario & Quebec Railway, it is recited that the agreement in respect of terms therein set out is an agreement in perpetuity. It is also recited:—

"That the said crossings above mentioned shall all be maintained at the cost of the Ontario Company and shall each always be maintained in a good and safe state and so as in no way to endanger the property fixed or movably of the Midland Company and against all damage because of the construction or non-maintenance of the said crossings and each of them the Ontario Company shall and will save the Midland Company harmless."

The matter, therefore, turns on the question of what is meant by the word "maintenance." Maintenance, in my opinion, is clearly distinguishable from the reconstruction which creates an addition or betterment. An addition or betterment reflects the change in the investment of the carrier as a result of the work in question being done. Maintenance has been defined as including "such depreciation as may ordinarily be removed or offset by proper expenditures at such times as the worn-out parts may be economically replaced."—*Floy, Valuation of Public Utilities*, p. 24.

The Department of Railways and Canals has of recent years followed in its statistical practice the forms of returns from railways used by the Interstate Commerce Commission. The Interstate Commerce Commission in dealing with the question of additions and betterments in connection with bridges, gives in substance the following direction:—

"To this account shall be charged the excess cost of new bridges... over the cost of replacing in kind bridges... removed or abandoned, including the cost of abutments, piers, supports, draw and pier protection... *Eaton's Handbook of Railroad Expenses*, p. 345.

If the Grand Trunk were reconstructing a bridge, it would, in following strict accounting practice, charge in its accounts this excess cost to capital. It would seem reasonable to follow the same practice where there is an agreement as to the maintenance of a bridge by another company. I do not read the agreement as an undertaking in perpetuity on the part of the Ontario & Quebec Railway to reconstruct the bridge from time to time as the conditions of traffic vary. The agreement was made in the light of the knowledge at that time existing in respect of railroad condition. The Ontario and Quebec, or its successor in title, meets the requirements of the agreement by maintaining the bridge as it was constructed.

It may be on account of the changed conditions on the Grand Trunk Railway, the present type of bridge prevents the Grand Trunk from making a full and efficient use of its facilities; but to my mind the primary obligation of the Ontario and Quebec Railway, or its successor in title, is discharged by maintaining the bridge as constructed. The further question as to whether the full and efficient use of the Grand Trunk's facilities should be impeded by the bridge as at present existing is one in

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which the parties are at large, and independent of the terms of the agreement; and the question as to what distribution of costs should be made between the parties in respect of excess cost of a new bridge is something which should be determined independently of the terms of the agreement.

Order in accordance with the judgment of Chief Commissioner Drayton, issued.
May 14, 1913.

G. T. R. CROSSING WEST OF VAUDREUIL STATION, QUEBEC.

Mr. Commissioner GOODEVE:

The matter of protection of the Lake Shore road crossing was first brought to the attention of the Board by a report of its chief operating officer, dated April 8, 1910. The matter was set down for hearing at Montreal on April 28, 1910, before the Chief Commissioner, Deputy Chief Commissioner, and Commissioner Mills, and no order was made.

An application was then made by Mr. Biggar, on behalf of the G.T.R. asking the Board to issue an Order to the effect that no additional protection is necessary at this point. A memorandum appears on file from the late Chief Commissioner Mabce as follows:—

“In answer to Mr. Biggar's letter of May 25, 1910, in view of the report of Chief Operating Officer Nixon of 8th April, 1910, it is not possible that an order should issue dismissing this case without additional protection, unless Mr. Nixon's report is complied with.”

On December 22, 1911, an accident occurred at this crossing by which one Ferdinand Trepanier was killed; a report of the accident being made by the Board's Inspector Lalonde, in which he points out that while no one was to blame for this accident, as it was due to the carelessness of the victim himself, this is a busy highway with heavy traffic on the railways of both passenger and freight trains, and recommended that speed limitation be continued until protection by means of a bell was provided.

A further report was made by the Board's chief operating officer, under date of April 26, 1912, in which he recommended that the Board's engineer take up with the G.T.R. and C.P.R. Companies the question of protection by means of gates operated from a tower; but after consultation between the Board's engineer and the engineers of the two railway companies, a plan for separation of grades was submitted by the C.P.R. on November 20, 1912, copies of which were submitted to the municipality on December 4, 1912.

After considerable correspondence, the final answer of the municipality was received by the Board on February 7, 1913, in which it objected to the plan submitted for the proposed subway, on the grounds of the damages that would arise therefrom to the property owners, and to the municipality itself. These plans involved the closing of an important road leading into the municipality.

The Board's chief engineer again made a careful study of the situation, with a view to obtaining adequate protection otherwise than by means of a subway, and recommended the erection of gates operated from a single tower jointly for the protection of the C.P.R. and G.T.R. tracks. This plan was submitted to both companies, and agreed to by the G.T.R., but objected to by the C.P.R., the latter expressing the view that if the Board ordered the installation of gates they should be independent of each other and each pair be operated by a separate watchman. In view of this objection, the Board's chief engineer has recommended that each company protect its tracks by means of gates operated from a tower.

After a careful study of the history of the case, I concur in the final recommendation of the chief engineer, as to the best means of adequate protection; and I think that order should go accordingly; detail plans of each installation to be submitted to the

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Board's engineer for approval; twenty per cent of the cost in each case to be paid out of the Railway Grade Crossing Fund, and the remainder of the cost to be paid by the companies interested; five per cent of the cost of maintenance and operation in each case to be paid by the municipality, and the remainder by the respective railway companies.

Assistant Chief Commissioner Scott and Commissioner Mills concurred.

Ordered accordingly.

May 10, 1913.

RE C. L. O. & W. RY. CROSSING FORCED ROAD, TOWNSHIP RICHMOND, ONT.

In re the application of the Campbellford, Lake Ontario and Western Railway Company, under section 237 of the Railway Act, for authority to construct its railway at mileage 54.99 across the Forced Road in lot 14, Concession 7, Township of Richmond, Counties of Lennox and Addington, Ontario.

Mr. Commissioner MILLS:

In view of the fact that this crossing is at the foot of a steep hill, and within the range of a velocity grade on the railway, I think it should be made by an overhead bridge on the highway; the approaches thereto to be on a 10 per cent grade (as agreed to by the municipality) constructed as per section 5 of "The Standard Regulations of the Board Affecting Highway Crossings, as Amended May 4, 1910"; but the railing required by section 5 (a) of said regulations, not to be constructed till the municipality has made such additions as the reeve and some of the township councillors agreed to make to the said approaches, with a view to reducing the grade thereof.

When the said work by the municipality is completed and notice of completion is sent to the board and the railway company, the said company should at once construct the said railing on the said approaches, carrying it out on each approach to the limit of the 10 per cent grade; and the municipality should, without delay, continue the said railing (constructed in the same way) out as far as may be necessary to protect the public who may use the said crossing; and should also, at its own expense, divert the recently constructed diversion of the side road, extending eastward from the crossing, round in such a way that teams wishing to pass from the said diversion to the southern approach to the bridge, can do so by an easy curve, on a proper grade.

Assistant Chief Commissioner Scott concurred.

Order, accordingly, issued, when the applicant company applied for a rescission of the said order, alleging that this is a comparatively unimportant road and the crossing by no means as dangerous as many level crossings now in existence. After due consideration the Board found that there was no valid reason for changing or rescinding the order in question.

May 16, 1913.

RE HAMILTON STREET RAILWAY CROSSING T. H. AND B. INTERSECTION MAIN AND TROLLEY STREETS, HAMILTON, ONT.

Application of the Hamilton Street Railway Company, under section 237, for permission to part cross at grade the tracks of the Toronto, Hamilton and Buffalo Railway, at the intersection of Main street and Trolley street, Hamilton, Ontario.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing at Ottawa, June 4, 1913:

The Hamilton Street Railway Company is applying for permission to put two tracks across the Toronto, Hamilton & Buffalo Railway at Main street. There is a crossing to-day of the tracks of the Hamilton Radial over the Toronto, Hamilton &

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Buffalo at Main street. Those tracks were permitted to be put down by two orders of the board, one made on the 11th December, 1905, and signed by the late Mr. Killam, and another signed by Mr. Bernier, dated the 8th of January, 1906.

The objection which the Toronto, Hamilton & Buffalo Railway Company raises is that it does not want three diamonds (that is, three crossings), and the Hamilton Street Railway Company says there are not going to be three crossings; that it is, in fact, going to take up the Hamilton Radial crossing at that point, so that there will only be two crossings; but it does not wish its legal rights, whatever it may have got in the past, to be prejudiced; that is, the legal rights which the Hamilton Radial may have to be prejudiced by the granting of the present application to the Hamilton Street Railway.

Dr. MILLS: The right to replacement.

The ASSISTANT CHIEF COMMISSIONER: Whatever the rights are.

Mr. COLEMAN: As determined by this by-law.

The ASSISTANT CHIEF COMMISSIONER: But it is stated that the Hamilton Radial tracks will be taken up at present.

Mr. COLEMAN: Yes. In the case of the right of replacement, if any one suffered by that it would be the street railway as being junior to the Radial at that point.

The ASSISTANT CHIEF COMMISSIONER: It is not necessary for the Board to decide anything about the right of replacement.

On the statement of facts before us, we grant the application of the Hamilton Street Railway to lay these two tracks.

Ordered accordingly.

RE SUBWAYS UNDER C. P. R. AT TORONTO AND ESPLANADE STREETS, MEDICINE HAT, ALTA.

Chief Commissioner DRAYTON:

This is an application by the city of Medicine Hat, Alta., for an order of the Board directing the construction of subways under the tracks of the Canadian Pacific Railway Company, at Toronto and Esplanade streets, in the city of Medicine Hat.

The question of highway crossings, or other access, from one part of the city to the other, is a vexed question, and one that has been before the Board on different occasions.

In September, 1906, the city applied for the establishment of a public level highway crossing over the right of way of the Canadian Pacific Railway, on Main street. The company's reply to the application was that there was no highway in fact at the time; but that the company had no objection to an order permitting the city to extend Main street across its right of way, on condition that the construction and maintenance thereof should be at the sole cost and expense of the city; and that the city would also bear the cost of the installation, operation, and maintenance of any means of protection that the Board might then or thereafter deem necessary in the public interest.

It appears that, prior to this application (although no highway in law had been established), as a matter of fact the public was using the crossing, and it was planked so as to permit of the passage of wagons and other vehicles.

Before any order was made on this application, the city applied, in October, 1907, for an order authorizing the construction of a pedestrian subway on Toronto street; a vehicular and pedestrian subway on River street; and an overhead bridge on Ottawa street.

The company's reply, in each instance, denied the city's right as based on the suggestion of existing highways, and stated that, should any of the applications be granted in each instance the whole expense should be at the cost of the municipality.

The four applications were set down for hearing at Medicine Hat, and were considered together on the 15th of February, 1909.

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An order was made declaring the crossing then in use at Main street to be a public crossing.

The other matters were disposed of by direction of the late Chief Commissioner as follows:—

"Hon. Mr. MABEE: An order will go for the city to have leave to construct a passenger subway under the railway company's yards and grounds on Toronto street extended. The city to prepare plans, file them with the Board, and submit them to the railway; and if there is any dispute about the plans, the engineering department of the Board will adjust it. The expense of the subway to be borne by the city, the railway to be at no expense. Proper notice to be given, and the work to proceed under the supervision of somebody appointed by the railway, so that in no respect shall the yards or grounds or the operation of the railway be in any way impeded or interfered with.

"The expense of constructing that highway at River street will be upon the municipality, the railway company to be at no expense in connection with that."

This disposition was facilitated by an agreement between the parties as follows:—

"The application of the city of Medicine Hat for a level crossing at Main street having been granted, the city consents to the application for a level highway crossing at River street being refused by the Board, the railway company agreeing to grant a crossing under its bridge over the Saskatchewan river between the East pier and the East abutment."

The Board's formal order then issued, authorizing the city to construct a public crossing under the said bridge on the terms of this agreement.

No action has yet been taken by the city under that authority; nor has the city, with the exception of filing plans, taken any action under the order then granted, authorizing it to construct a passenger subway.

No action having been taken under any of these orders, except that Main street—having been declared to be a public highway, protected by gates as subsequently advised—is still used, the city now applies for the construction of subways of full width on Toronto street and at the Esplanade.

As a general proposition, there is no objection to municipalities building subways at their own cost—if they desire to make the expenditure—irrespective entirely of circumstances which would justify the Board's ordering such action in view of public interests under the Railway Act.

The new applications are, in reality—although different in form—applications by way of appeal from the former judgment of the Board, which declared that construction at these points should be entirely at the expense of the city.

The evidence in the present applications as to prior highway user, and the circumstances under which the town plot was laid out, are given at greater length than at the former hearing; and it is also a matter to be noted that, since his decision in the Medicine Hat case, the late Chief Commissioner, on October 10, 1910, delivered a considered judgment on the application of the city of Regina, which was made and submitted under substantially similar circumstances.

The town plot of Medicine Hat was laid out by the Canadian Pacific Railway Company, the plan, of course, creating streets, and laying out lots, and carrying the town plot on both sides of the track, and to-day it appears that the result is that the settlement and population of Medicine Hat is almost cut in two by the railway—that is, practically as many people live on the one side of the railway as on the other—the crossings are of necessity numerous, and Main street is dangerous and congested.

In Regina, as in Medicine Hat, the town plot was laid out by the railway company, and lots were sold by the company in accordance with that plot.

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At the hearing in the Regina case, Mr. Dennis, the Assistant to the First Vice-President of the Canadian Pacific Railway Company, said:

"I have asked Mr. McMullen to let me make a statement in regard to this crossing question, because there are certain features—apart from the legal aspect—that I think should be considered in connection with this Hamilton Street crossing, as well as others that may come before the Board. We admit perfectly frankly that in the case of Regina, and a large majority of other points in the West, the question of crossing over our right of way is a very serious one. I pointed out last year that in a large majority of the cases the construction of the railway preceded the laying out of the town plots. The town plots, unfortunately, were surveyed on both sides of the railway line; and in registering plans of the town lots on the property which belongs to the railway company, they were not registered to extend the streets across the track. There was no dedication, on the part of the company, of streets to constitute public crossings. Settlers have come in very rapidly in a great many instances, and the situation has become very acute. In the large majority of cases in the West, I am glad to say we have been able to arrive at a satisfactory arrangement with the municipalities, or with the local government dealing for them, so that there have been very few cases in which it is necessary to come to the Railway Commission to order crossings. At the points where we have come to agreements, of course, we understand it is necessary that we should file with the Commissioners a plan, so that the necessary order could be made constituting the crossing agreed upon as legal. That was the procedure we were endeavouring to follow at Regina. The company realized—and I take the responsibility of admitting it, on their part—that there is a certain responsibility with regard to these crossings which would not be upon them if they had not owned and surveyed the town plots. I made the statement last year, and I do not hesitate to make it again. The town plots were laid out by the company; lots were sold by them in accordance with the plans; it is true they did not show crossings, but there was a greater or less responsibility upon them in connection with the location of these town plots on both sides of the track. The situation is accentuated in a great many instances from the fact that the larger part of the city is on one side of the track, and between the city and the track we have had grown up a long line of warehouses and elevators which render the track blind from the south side."

I cannot distinguish, so far as principle is concerned, between the Regina situation and the Medicine Hat situation; and if I am right in this—although neither Toronto street nor the Esplanade are to-day legally carried over the railway, so that the proposed subway constructions create an entirely new public right—the railway company should bear some part of the cost.

I find on the evidence from actual inspection, that the Main street crossing is congested and dangerous, and that at least one other crossing is required, to relieve that congestion.

It would be really better to construct a subway at Main street. This I would not direct, if it were not for the large cost which would be imposed upon the parties.

I think that the construction of a subway on Esplanade street, which can be built (exclusive of land damage), for about one hundred and sixty thousand dollars, and through which the street railway can be operated, would relieve congestion at Main street, and that much of the light vehicular traffic would use it. Its construction, therefore, to-day, I think, is in the public interest, and should be ordered under the appropriate section of the Railway Act. Under these circumstances—for the reasons I have pointed out—I think that the cost should be apportioned between the parties as was directed in the Regina case, which results in the city doing all excavation, paving, erecting of sub-structures, drains, lighting, etc., while the railway com-

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pany erects the superstructure to carry its tracks over the subway, and provides—free of cost—as much of its land for the necessary approaches as an engineer of the Board may determine. The city to be responsible for abuttal damages. The engineer, in arriving at what portion of the company's land should be taken for the purpose of the subway, to be guided by the directions of the late Chief Commissioner in the Regina case.

Evidence was given to show that, as a matter of fact, traffic had existed for some eight or nine years over the Esplanade; and, as the building of the subway at the Esplanade will relieve the traffic on Main street, I have decided that five thousand dollars may be paid out of the Railway Grade Crossing Fund; this amount to be divided between the city and the railway company in the proportion that the outlay incurred by each bears to the total cost of the work; this proportion to be settled by the Board's engineer.

I do not think that the proposed subway at Toronto street is similarly justified. Its construction, as called for by the city's plans, entails a grade, on the one side, of 7.6 per cent, and of 6 per cent on the other side. Public traffic would probably use it if the city proposed to close Main street. The city, however, does not think that Main street can or should be closed; and with Main street, only a block away, affording a level crossing, on the one hand, as against a 7.6 per cent incline, on the other, I am satisfied that Main street will continue to be used, and that it would not be reasonable to compel the railway company to pay any part of the expense of a subway on Toronto street, so short a distance from the said Main street. If the city wants to construct such a subway at its own expense, according to plans to be approved by the Board's engineer so as to prevent interference with the company's railway facilities, there is no reason why permission should not be given. I am, however, afraid that the work would be very expensive and the property damages unusually heavy.

The pedestrian subway which the Board has already approved of, can be constructed on the said Toronto street for a small proportion of the cost of a subway for both vehicular and pedestrian traffic. The municipality, as stated above, has an order for a pedestrian subway; and it can be built, if the municipality wishes; but I would not interfere with the disposition of it made by the late Chief Commissioner. Its construction should, therefore, be at the expense of the city; with the reservation that the railway company should not charge anything for any portion of its land that may be occupied by the subway or its approaches.

Then, as to the crossing of the road allowance at the east end of the yard. This crossing requires protection. The suggestion of the city, is that it should be protected by gates. No better form of protection seems to be feasible—at least for the present; and an order should, therefore, go for the installation of gates, to be operated day and night, 20 per cent of the cost of the installation to be paid out of the Railway Grade Crossing Fund; 60 per cent of the remainder to be paid by the railway company; and 40 per cent by the city; the work of operation and maintenance to be done by the railway company at the cost of the railway company and the city, the railway company paying 60 per cent and the city 40 per cent thereof; and the city to pay its share in monthly instalments, on accounts being rendered to it by the railway company.

A plan of the layout is to be submitted by the railway company to the Board for approval within one month; and the gates are to be erected and in operation within three months after such approval.

Commissioner Goodeve concurred.

Ordered accordingly.

June 30, 1915.

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RE DIVERSION OF TORONTO STREET, MOOSEJAW, SASK.

Chief Commissioner DRAYTON:

This is an application made by the Grand Trunk Pacific Railway Company for an order authorizing the diversion of Toronto street, between Sixth avenue and Eighth avenue, in the city of Moosejaw, Sask., and requiring the Canadian Pacific Railway Company to bear such portion of the expense of the diversion and structure as will provide a highway crossing under its Outlook branch, as the Board may deem equitable.

The application is stated to be made with the consent of the city of Moosejaw, which did not appear either at the original hearing at Regina, or at the adjourned hearing at Medicine Hat.

It developed at the hearing at Regina that pedestrians were crossing the tracks of the Canadian Pacific Railway Company at this point, although no highway was laid out; and that the Canadian Pacific Railway Company did not deny the right of the people to travel across the road allowance, or of the municipality to have it opened across the railway tracks at any time it wished.

The case was then adjourned to be spoken to subsequently, so as to enable the Canadian Pacific Railway Company to go more fully into the plans of the Grand Trunk Pacific Railway Company and make what submissions it desired as to what, if any, proportion of the costs should be paid by the Canadian Pacific Railway Company.

The case was again called at Medicine Hat on the second day of June.

No one appeared for the Canadian Pacific Railway Company, but the Grand Trunk Pacific Railway Company was directed to draft an order and submit it to the Canadian Pacific Railway Company. No arrangement whatever has been made as between the companies, and the matter has to be dealt with by the Board.

There is no doubt whatever that the Government road allowance on the township line is prior to the construction of the Canadian Pacific railway, and that the municipal authorities are entitled to a highway crossing at this point under the usual terms.

A representative of Moosejaw pointed out that the public has not crossed the railway on the line of this Government road allowance, but angled off towards the town in an easterly direction. According to the plan on file, this would mean that, instead of crossing the railway, Toronto street would have been used.

The proposed work of the Grand Trunk Pacific Railway Company would carry the line of the Canadian Pacific Railway Company over the extension of Toronto street by a bridge, Toronto street being diverted and extended westerly under the line of the Canadian Pacific railway by subway construction. This work would obviate, for all time, any question of highway crossing at Toronto street.

The Grand Trunk Pacific Railway Company's application is also to close Government road at a point south of the proposed subway, diverting the traffic from that road into the subway, which would, in turn, prevent any highway being constructed over the tracks of the Canadian Pacific Railway Company on the Government road and free that company from all obligation in connection with the level crossing.

The result of the work is that the Canadian Pacific Railway Company gets a real benefit in that these highway rights are extinguished and the company relieved from all possibility of cost of future protection or of speed limitation.

Under these circumstances, it is only fair that the Canadian Pacific Railway Company should make a contribution towards the cost. Its share of course, should be smaller than that of the Grand Trunk Pacific Railway Company, as the benefit to the Canadian Pacific is but an incident to the work which is undertaken in the first instance not to extinguish highways on the lines of the Canadian Pacific, but to provide for the Grand Trunk Pacific Railway Company's entrance into the city of Moosejaw.

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The cost of the whole work, the Board's engineer estimates, will be fifteen thousand dollars. Of this total, \$5,600 represents the cost of the Grand Trunk Pacific Railway Company in providing for the Toronto Street diversion and subway, the balance of the costs being incident purely to the structure over its own right of way.

Under the circumstances, I am of the view that justice would be done, as between the railway companies, if the Canadian Pacific Railway Company were ordered to contribute two thousand dollars towards the cost of the work.

The Grand Trunk Pacific Railway Company was directed to forward a draft order to the Board, assented to by the Canadian Pacific Railway Company and the city of Moosejaw. This the company has not done; it has merely advised the Board that it has been unable to effect any arrangement as to the division of cost with the Canadian Pacific Railway Company.

Under the circumstances, no order will be made until the proper consent for the closing of the Government road over the tracks of the Canadian Pacific Railway Company is filed with the Board.

Commissioner Goodeve concurred.

Orders issued authorizing diversion and closing of road allowance; applicant company to construct a subway—C.P.R. Co. to contribute \$2,000 towards expenses of diversion and structure.

July 4, 1913.

RE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RY. AND G. T. R., OVER COBOURG
AND GRAFTON ROAD.

Crossing of the Campbellford, Lake Ontario and Western Railway Company, over the Cobourg and Grafton Road.

Assistant Chief Commissioner SCOTT:

The application of the Campbellford, Lake Ontario and Western Railway Company for authority to lay its track over the Cobourg and Grafton road, a short distance east of Cobourg, within a few feet of the point where the double tracks of the Grand Trunk Railway Company cross that highway on the level, has led to the suggestion that a subway should be constructed at that point to carry the highway underneath the tracks of the two railway companies. If such a subway were constructed it would prevent an additional grade crossing on this important highway and eliminate the existing crossing of the two main line tracks of the Grand Trunk.

The matter was discussed before the Board at several sittings; and Commissioner Mills and I examined the location a short time ago.

The Cobourg and Grafton road (sometimes called the Kingston road) is probably the most important highway in the eastern part of Ontario. It is heavily travelled at all periods of the year; but especially during the summer months, when the shores of lake Ontario are visited by tourists and summer residents. In addition to the usual vehicular travel which is to be found on a highway through a well developed agricultural section in the neighbourhood of centres of population, there is a steadily increasing motor car travel on the Kingston road. A short distance east of the site of the proposed subway, there is a crossing over this highway by the tracks of the Canadian Northern Railway Company; and, at that point, the Board, after giving the matter careful consideration, deemed it proper to order that company to construct a subway carrying the highway under its tracks. That subway is on the line of the highway; so the vision of those driving on the highway in either direction is not obstructed.

Speaking generally, I am opposed to the construction of subways which necessitate a diversion from the straight line of the highway. I believe they are apt to be dangerous, unless the angle is sufficiently obtuse to permit of a view through the sub-

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way from a reasonable distance at each end. Usually a diversion in the highway is asked by the railway companies in cases of subways where they desire to put the subway at right angles to the railway track, and thus make the construction of as cheap a character as possible.

In this instance, it has been suggested by the railway companies that if a subway is required, that highway should be diverted. I do not see why people who are travelling on an old established highway, like the Kingston road, should be called upon to submit to the inconveniences and danger of a diversion in the highway, to save the railway companies' expense; especially in a case like the present, where the highway is many years senior to the older of the two railway companies.

I think the present is a proper case for the separation of grades; and the subway to be constructed should be on the lines of the highway, so that the view through it may not be obstructed.

Some time ago, I asked the Campbellford, Lake Ontario and Western Railway Company to prepare a plan showing a subway on the line of the highway. Such a plan has been put in. It is signed by Mr. Ramsay, engineer of construction, and dated, at Montreal, May 30, 1913. It shows a 30-foot road way with a headroom of 14 feet clear. This, I think, is satisfactory and should be approved of by the Board. The plan shows supports in the centre of the highway underneath the railway tracks. With regard to the question of whether such supports should be permitted to be put in or not, Mr. Beatty, general counsel of the Canadian Pacific Railway Company, who appeared for the Campbellford, Lake Ontario and Western Railway Company stated, in a letter to me on the 11th June last, that—

“there might be a slight saving in the cost of the steel work by putting in the centre supports, but this would be very small indeed.”

If the centre supports can be eliminated, it makes a better subway from the point of view of those using the highway; and, therefore, bearing in mind the statement that the elimination of these centre supports would be a very slight saving in the cost, I think they should be eliminated and a one-span subway constructed.

With regard to the drainage of such subway, the Board is assured by its chief engineer that it can be drained.

It remains now to be determined how the cost of the subway shall be apportioned between the parties interested. I thought the expense could be reduced somewhat by having the line of the C. L. O. & W. diverted slightly so that the track of that company and the two tracks of the Grand Trunk Railway would be as close together as possible at the point of crossing; but, the C. L. O. & W. Railway Company objects to its line being diverted for this purpose. That company, under the law as it now stands, will have to bear the entire cost of the portion of the subway necessary to carry the highway underneath its track; and, I therefore do not think it reasonable to insist on any change in the location of its track.

The C. L. O. & W. Railway Company should, therefore, pay all the expense of the construction of the subway from its eastern end to a line drawn parallel to its track, and half way between that track and the more southerly track of the Grand Trunk Railway Company. The remaining portion of the subway will be for the purpose of carrying the highway under the two main line tracks of the Grand Trunk Railway Company.

Under the Railway Act we are permitted to give a contribution of \$5,000 out of the Railway Grade Crossing Fund, which I think should be done; and, we are also permitted, if we think proper, to assess a portion of the cost on municipal and other interests who will be benefited by the construction of the subway. The highway is owned by a toll road company. It will certainly be a benefit to that company to have the present crossing of the Grand Trunk tracks at grade done away with; and, bearing in mind the importance of the highway and the nature of the travel upon it, it seems

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to me that the county of Northumberland, the township of Hamilton, in which the crossing is situated, and the township of Haldimand, whose inhabitants will be much benefited, should contribute something.

Under the Ontario Municipal Act, municipalities can raise money by debenture without the submission of a by-law to the electors, and without special permission from the Provincial Legislature to pay a contribution towards the expense of improvements of this kind when ordered to do so by this Board.

After deducting the \$5,000 contribution from the Railway Grade Crossing Fund, I think the remainder of the cost of the work should be apportioned as follows:—

	Per cent.
Cobourg and Grafton Road Company	10
County of Northumberland	10
Township of Hamilton	5
Township of Haldimand	5
G. T. Ry. Co.	70

I think an order should go approving of separation of grades as shown by the plan already referred to, with the elimination of the centre supports under the tracks; and, that the cost of the work should be apportioned as I have indicated; the maintenance of the abutments and superstructure to be at the expense of the railway company, and the roadway, or floor thereof, at the expense of the Cobourg and Grafton Road Company.

Commissioner Mills concurred.

Ordered accordingly.

July 11, 1913.

Assistant Chief Commissioner SCOTT:

By order No. 20228, dated 14th August last, a subway was ordered at the crossing of the Grand Trunk over the Cobourg and Grafton road some distance east of Cobourg; and the cost of the work was apportioned as follows: 5,000 from the Railway Grade Crossing Fund. Of the remainder, 10 per cent to be paid by the Cobourg and Grafton Road Company; 10 per cent by the united counties of Northumberland and Durham; 5 per cent by the township of Hamilton; 5 per cent by the township of Haldimand; and 70 per cent by the Grand Trunk Railway Company.

After this order was issued, a communication was received from the solicitors of the Cobourg and Grafton Road Company, stating that they had not had sufficient opportunity of placing the views of their clients on the question of contribution of the cost of the work before the Board, and asking to be heard. They were notified that the Board would consider any submission they desired to put in in writing.

In a memorandum, dated 22nd September, 1913, the road company submitted its reasons why it should be relieved from the 10 per cent contribution towards the expense of the subway and, among other things, submitted that the town of Cobourg was materially interested and would be benefited by the construction of the subway, and should, therefore, be ordered to bear the portion of the cost which had been placed upon the road company.

A copy of the submission of the road company was sent to the town of Cobourg; and, in a letter from the solicitor of the town, dated 24th September, 1913, and in a memorandum from the town council, dated 8th October, 1913, the views of the town in the matter are set out. A copy of the towns submission has been sent to the road company, and in a memorandum, dated October 15, that company answers the contention of the town.

This matter is, therefore, now ripe for final disposition by the Board. Under subsection 3 of section 238 of the Railway Act as enacted in chapter 32 of the statutes of 1909, the Board has power to apportion the cost of the work for the separation of

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grade crossings as it deems proper. The Cobourg and Grafton Road Company own the highway in question. The elimination of a dangerous grade crossing over that highway makes it safer for the public to travel on it, and therefore, increases the value of the property of the road company. The use of the highway by the public should increase with the improvement of the road, brought about by the elimination of this element of danger to those travelling on it. The greater the use of the road, the greater the Company's revenue from tolls will be. This being so, it is surely reasonable that the small percentage of cost of the construction of the subway, which we placed upon the road company by our order of August last should be paid by it. It is pointed out by the road company that its source of revenue is limited, and that because of additional repairs which it had to make a few years ago, it has no available funds with which to pay the contribution ordered. It seems to me, this is not a matter with which this Board is concerned. The road company will undoubtedly be benefited by the construction of the work ordered and I do not think we should interfere with the order already issued.

Commissioner Mills concurred.

October 16, 1913.

NORTH TORONTO GRADE SEPARATION.

Assistant Chief Commissioner SCOTT:

When the question of grade separation on the existing tracks of the Canadian Pacific Railway Company and the tracks which the Canadian Northern Railway Company is applying for permission to lay in North Toronto, was before the Board at a sittings in Toronto, on the 23rd May, 1912, we did not finally dispose of the question of the height of the subways which were to be constructed at Davenport road, Howland avenue, and Shaw street. At these streets the railway companies suggest that a headroom of 12 feet would be sufficient. They asked for the approval of such headroom in these three subways in order to save the additional expense of the extra land damages which would result from the extra two feet excavation which a 4-foot headroom subway would require. The extra 2 feet would also impose, for all time to come on those travelling through the subway, the additional burden of the extra grade on the approaches on each side of the subways, made necessary by the extra 2 feet in depth.

It is suggested by the city of Toronto that the additional 2 feet headroom at these three subways should be obtained by the raising of the tracks of the railways 2 feet higher than is shown on the profile approved by the Board at the hearing over a year ago. There is no reason why the Board should alter the decision it came to a year ago to approve of the railway companies profile. The reasons for such action as expressed in the judgment of the Board at that time are just as apparent to-day. It is therefore a question of whether these three subways should be made 2 feet deeper or not.

Taking the three streets in their order, going westerly. The first one is Davenport road. At that point Davenport road and Poplar Plains road are diverted to join each other north of the tracks and pass under the railway in a single subway. There are now street cars on Davenport road north of the tracks. They do not, as yet, run down Davenport road as far as the railway tracks; but, it may be, at some future date this line of street cars will be carried further southeast to connect with some of the other lines of street car tracks in the city. Fourteen feet headroom is necessary where a trolley line is maintained. In addition to this the traffic of two highways will be passing through this subway. I think it not unreasonable to accede to the request of the city of Toronto, that the subway at Davenport road be given a headroom of 14 feet.

Going westerly from Davenport road they have a 14-foot subway at Spadina, and a 12-foot one at Howland avenue. I think the railway company should be permitted

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to limit the headroom of the Howland avenue subway to 12 feet. It is not a very important thoroughfare. There are no street cars now on Howland avenue, and it is unlikely that there ever will be any. There is a 14-foot subway on the next crossing east at Spadina road, and a 14-foot subway at the next crossing west on Bathurst street. A 12-foot headroom will accommodate all ordinary traffic; and, if there is any load of an extraordinary height requiring a clearance of more than 12 feet, it would not be a hardship to have it driven to Spadina road or Bathurst street to cross underneath the tracks.

As far as Shaw street is concerned; it is, to my mind similar to Howland avenue. It has Christie street to the east with a 14-foot headroom, and Ossington avenue to the west with a 14-foot headroom; and I think, for the reasons just stated why 12-foot headroom should be permitted at Howland avenue, that a 12-foot headroom should be approved also on Shaw street.

I come to this conclusion with regard to headroom in these three subways after having visited the three highways in question on Friday last, the 11th instant, in company with Mr. Commissioner Goodeve, and representatives from the city of Toronto and the railway companies interested.

I am aware that the whole question of the North Toronto Grade Separation has been appealed by the city of Toronto to the Governor in Council. I do not think the settlement of details such as those before us can in any way affect the appeal or prejudice parties concerned. The railway companies are pressing to have this matter disposed of; and, before making the inspection, I recently did, I got the acquiescence of the railway companies and the city of Toronto to my doing so. The railway companies are, of course, aware of the appeal taken by the city of Toronto, and they are aware that the settlement of these details must be subject to the appeal, and without prejudice to the rights of the city of Toronto.

On this understanding, provided other details are satisfactory to him, our engineer can approve of plans showing a headroom at Davenport road of 14 feet, and at Howland avenue and Shaw street of 12 feet.

Mr. Commissioner Goodeve concurred.

July 17, 1913.

RE SUBWAY UNDER G. T. R. TWO MILES WEST OF BROCKVILLE, ONT.

Mr. Commissioner MILLS:

Some time ago, Mr. G. C. Cumming, of Lyn, a station on the Grand Trunk railway a short distance west of the crossing in question, applied to the Board for an order directing the Grand Trunk Railway Company to construct a subway under its tracks where they cross the highway between Lyn and Brockville, on lot 21, concession township of Elizabethtown, mileage 127.77 from Montreal.

The crossing was examined by one of the Board's inspectors, and by Assistant Chief Engineer Simmons. The former recommended the construction of a subway, on the ground that the crossing is a dangerous one and the approach on the south side is on a steep grade to the level of the tracks and therefore lends itself to easy and inexpensive construction; and the latter, while admitting the correctness of the statement regarding the southern approach, calls attention to the fact that the northern approach would make the construction very difficult and expensive, inasmuch, as it consists of a ledge of rock rising for some distance, say an eighth of a mile, to the railway.

Because of this difference in opinion, Commissioners Goodeve and Mills inspected the crossing on the 26th July, and found the facts to be as stated by Engineer Simmons, who estimates that the cost of such a subway would be between \$25,000 and \$30,000, and that the northern approach to the subway would have to be carried a long distance before the surface of the ground would be reached on a standard grade.

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No doubt the crossing is somewhat dangerous, as are very many other crossings over our lines of railway throughout the Dominion; but the view on the south side is good in both directions, and the view on the north side is equally good of trains approaching from the east, while the view of trains approaching from the west is somewhat obstructed by the ledge of rock referred to and some trees or shrubbery thereon; but there is a clear opening three or four hundred feet from the track, which enables one driving on the highway to see a train approaching from the west more than 1,000 feet from the crossing; and at 50 feet from the crossing there is a good view of the track for a considerable distance west.

Mr. Cumming claims that the highway is senior to the railway, while Mr. Biggar in a letter dated November 11, 1912, uses the following language:—

"With regard to Mr. Cumming's statement that the highway is senior to the railway, it appears from our records that the highway is on lot 21, in the first concession of the township of Elizabethtown, county of Leeds, and the deed of our right of way, dated 29th August, 1885, registered 26th June, 1886, conveys to the company a strip of land 100 feet wide running right across the lot. From this it would appear that the railway is senior to the highway."

If it should be established that the facts are as alleged by Mr. Biggar, I am satisfied that the municipality would not be prepared to undertake the construction of a subway, as requested by Mr. Cumming; and, without attempting to decide the question of seniority, I think that, while it might be advisable to construct a subway if no serious obstacle were in the way, the facts and circumstances detailed above do not warrant the Board in granting the application.

Commissioner Goodeve concurred.

July 30, 1913.

RE GRAND TRUNK RY. CROSSING KING STREET, COBBOURG, ONT.

Chief Commissioner DRAYTON:

The question as to the cost of maintaining a flagman for the purpose of protecting the crossing at King street, by the Grand Trunk railway, in the town of Cobourg, came on for hearing at the sittings of the Board held in Belleville on the 1st of May last, when the cost was apportioned 80 per cent to be paid by the Grand Trunk Railway Company and 20 per cent by the town of Cobourg.

At the hearing the town's argument to the Board was not founded at all on the terms of a lease which the town granted to the Grand Trunk Railway Company of date May 7, 1907.

Application has since been made by the town for an order varying the Board's order, and directing that the Grand Trunk Railway Company pay the whole cost, on the ground that the question is covered by this lease.

The argument of the town has been submitted to the railway company, whose answer has been filed and the matter is now ripe for action.

The instrument in question is a lease of portions of the harbour belonging to the corporation, made in consideration of rents reserved for a period of twenty-five years. The apparent object of the lease was to enable a car ferry service to be instituted for passenger and freight traffic. It stipulates in proviso 3:—

"In the event of the traffic and the movements of engines and cars of the Grand Trunk along the tracks so laid on Hibernia and Spring streets and across King street being so increased as to necessitate protection at said crossing of King street such protection will be provided as may be directed by the Board of Railway Commissioners for Canada."

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The municipality relies on this provision, alleging that the traffic and movements of engines across King street have so increased as to necessitate the protection which has been directed by the Board.

The railway company contends that the protection of this crossing is not part of the consideration for the lease, and that the intention was not that the railway company should pay the whole cost of the protection, but that the whole consideration under the instrument which the town was to receive for the rental of \$2,500 a year reserved, and that proviso 3 cannot be looked upon as enlarging the consideration which the town is to receive. The company further argues that the proviso in question is not an obligation imposed on the railway company in payment for the privilege granted, but is in fact an agreement that the cost of protection at the King street crossing resulting from the increased traffic, which both parties foresaw would follow from the car ferry service, should be apportioned as the Board might decide according to its usual practice.

The clause standing by itself does not in terms state by whom the protection to be provided is to be provided. On referring to the agreement, however, I think it is plain that the protection should be construed as protection to be provided by the railway company. Proviso 3 is preceded by the first proviso, which deals entirely with works to be done by the Grand Trunk Railway Company. Proviso 2 provides that the grade of the railway tracks shall not at any street crossing be altered from the grade of the present tracks, etc. It is to be observed that proviso 4, which is drawn for the purpose of throwing an obligation on the town, commences, "The town agrees," etc.

Unless the proviso was inserted as a proviso calling for protection by the Grand Trunk Railway Company, its insertion was entirely unnecessary. Its effect, as submitted by the railway company, adds nothing to the obligation of either party to this instrument. Protection, in any event, would have to be provided as directed by the Board and at such apportionment of cost as the Board might decide.

I, therefore, read the agreement as constituting an obligation on the Grand Trunk Railway Company, in the event of the traffic and the movements of engines across King street being so increased as to necessitate protection, to supply such protection as may be directed by the Board of Railway Commissioners for Canada; and I am of the opinion that the Board's present order should be amended by providing that the whole of the cost of the flagman, maintained at this crossing, should be paid by the Grand Trunk Railway Company.

Commissioner Mills concurred.

July 31, 1913.

Mr. Commissioner McLEAN:

The majority having in effect held that this is a question of law, the ruling of the Chief Commissioner on this matter must prevail under the statute. I therefore acquiesce.

Aug. 2, 1913.

Order accordingly, issued.

RE WIDTH OF A SUBWAY UNDER THE G.T.R. AT CALLANDER, ONT.

Mr. Commissioner MILLS:

In *re* the matter of a dispute of the village of Callander and the township of North Himsworth, Ontario, with the Grand Trunk Railway Company regarding the width of a subway to be constructed on Bay street in the said village.

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The railway company has offered to construct on the said street a subway of the statutory height (14 feet clear headway) and a total width of 21 feet—4 feet for a sidewalk and 17 feet for the driveway. The village and municipality have appealed to the Board for two 6-foot sidewalks and a 20-foot driveway, or a total width of 32 feet.

Considering the present traffic and the outlook as reported by one of our inspectors, I do not think that two 6-foot sidewalks are really necessary or likely to be necessary; but it seems to be agreed that one sidewalk, say 4 feet wide, should be provided; and, Parliament having decided that subways in the open country should not be less than 20 feet wide (providing a driveway of that width), I see no valid reason why the Board should reduce the statutory width against the wish of the village and the municipality in this case.

Therefore, my opinion is that an order should go directing the railway company to construct a subway 24 feet wide—4 feet for a sidewalk and the statutory width of 20 feet for the driveway (see section 240 of the Railway Act); the company to submit plans for the approval of an engineer of the Board within thirty days from the date of the order.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

Aug. 6, 1913.

Ordered accordingly.

RE VIADUCT CARRYING BLOOR STREET ACROSS PROPERTY OF C.P.R., C.N.O.R. AND TO
DANFORTH AVE., TORONTO, ONT.

Application of the city of Toronto, Ontario, for approval of plans of a viaduct carrying Bloor street across the property of the Canadian Pacific Railway Company, the Canadian Northern Railway Company, and the Grand Trunk Railway Company, to connect the existing highway with Danforth avenue east of the River Don.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the hearing, September 16, 1913:

The board is of the opinion that, bearing in mind the importance of the Canadian Pacific Railway right of way in the city of Toronto, the city has not made out a good reason why we should permit it to take the portion of land on the east side of the tracks, as shown on the plan, and therefore we will not approve of the plan as submitted.

MR. COMMISSIONER McLEAN: I thoroughly approve of the city desiring to have a structure aesthetic in its proportions. The great difficulty that faces us, I think, is this: The very great expansion of traffic into the city of Toronto and the importance of the traffic facilities. Anything which hampers railway development in and out of the city in the long run would be detrimental to the city. Therefore, the traffic facilities have got to be considered first.

RE C. L. O. AND W. RY. CROSSING FORCED ROAD—TP. CAMDEN, ONT.

Application of the Campbellford, Lake Ontario and Western Railway Company to cross the forced road, lot 24, con. 8, township of Camden.

Oral judgment delivered by Chief Commissioner DRAYTON at the hearing in Cobourg, October 9, 1913:

Since the adjournment I have had the opportunity of considering the judgment of the late Chief Commissioner, Mr. Justice Killam (C.P.R. vs. North Dumfries, 6 C.R.C. 147) with Mr. English, who appears for the township, and Mr. MacMurchy, who makes the application.

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It appears that the application is proper and that the order as asked is a proper order to be made, should the circumstances warrant it. The company's engineer has stated that the gravel is absolutely necessary for the company's purposes. The Board's chief engineer concurs in this.

An order, therefore, should go as prayed, as follows:—

The applicant company is authorized to construct and operate its tracks for a period of nine months from this date over a portion of the forced road running through lot 24, concession 8, township of Camden, county of Lennox and Addington, at mileage 46.3, on the line of the applicant company, on the following terms and conditions:

(a) That the company construct a temporary road diversion in lieu of that part of the forced road to be closed for the period of nine months from this date as shown on the plan filed on the application. This temporary diversion is to be put in a proper condition for traffic before the closing now authorized is made effective.

(b) The company must join the gravel pit sidings to its main line from time to time in such a manner that only one railway track will cross the road diversion; and maintain, during the nine months period, the road as diverted, in a proper state of repair for public traffic, as well as the side road between lots 24 and 25, the intention being that both highways must at all times be fit and proper for vehicular and pedestrian traffic.

(c) The company to protect any excavations which it may make for the purpose of obtaining gravel, where adjacent to any travelled highway, in a manner to the satisfaction of the Board's chief engineer.

(d) The company shall give to the township the gravel in and under the portion of the forced road now closed, or an equivalent amount from some other part of the pit, free of charge.

(e) The company, at the expiration of the period of nine months, shall restore the said forced road diverted and leave the same in good condition for public traffic, to the grade as shown by the profile filed and to the satisfaction of the chief engineer of the Board.

(f) The company shall also maintain such portion of the said forced road for a period of one year after the reconstruction is completed.

(g) Apart from all questions of public damage resulting from the road diversion, two particular persons are injured in a direct and specific manner, capable of ascertainment. They are Edward Wagar, who has a mail contract, and John Kellar, who has a contract with farmers in the neighbourhood for carrying milk. The diversion lengthens, perhaps not to a very great extent, the total distance which they have to carry in carrying out their contracts, based upon a given mileage. The company should compensate these parties. If the matter cannot be arranged by mutual agreement, the proper person, under the circumstances, to fix the peculiar damages suffered, is the County Judge of the County of Lennox and Addington, to whom the matter will be referred if necessary.

Ordered accordingly.

RE LAKE ERIE AND NORTHERN RAILWAY CROSSING BRANTFORD STREET RAILWAY.

Chief Commissioner DRAYTON:

This is an application made by the Lake Erie and Northern Railway Company for an order amending order of the Board No. 19304 as amended by order No. 19468.

The whole question for decision is as to whether or not the ordinary rule of seniority should apply not only to construction, maintenance, and their costs, but also

to the operation of cars. There is no question at all as to what the usual rule is, nor as to its justice. The senior road maintains its seniority in train movements as against the movements of the junior line in all cases that the Board has hitherto considered. It is also true that the question of seniority has not yet been advanced by a city street car line against a steam railway company. This seems to be the first time that the general rule has been invoked under such circumstance. In all large cities there are, unfortunately, more or less grade crossings, and in every instance while the steam road if junior pays for the construction and for the maintenance of the necessary crossing works, in like manner in every instance its trains are given priority over highway traffic, and in this highway traffic has been included traffic on the local trolley line. This is the situation in Brantford in the present case; that is, the Brantford street railway is a street railway system operating along the highway. Under the authorities dealing with the proper use of highways, street railways have been considered merely as an extension of the uses contemplated by the original dedication—a proper highway use. With the exception that street cars, not being able to leave their rails have subject to the exigencies of ordinary traffic, right of way over that portion of the highway occupied by the line, their operations are not distinguishable in principle from any other lawful use of the highway.

Sooner or later this crossing will have to be protected with gates and watchmen in addition to the interlocker protection that is already afforded and which the steam railway have to pay for. Very cogent reasons would be necessary to justify a change in usual rule providing for the operation of gates and with which those using the highway are familiar. Grave dangers might result from a change of the present practice. It is argued that a distinction cannot be made and that a provincial line has just as much right to maintain its seniority as a Dominion line. No distinction can properly be drawn depending on the accident of incorporation. If the Brantford Street Railway instead of being a street railway was an ordinary railway, although subject to provincial jurisdiction, its seniority would have to be maintained throughout. The actual operating conditions are entirely different here. The safety of those travelling both on the trains and on the highway calls for uniformity of practice, and in my view the trains of the Lake Erie and Northern Railway Company should, therefore, be treated as senior.

In support of their position, the solicitors for the Grand Valley Company which operates the Brantford Street Railway forwarded the contract between the Grand Valley Railway Company and the city of Brantford, under which the Grand Valley Railway Company agreed with the city that the street car tracks should be extended and that interurban cars might pass over the tracks and only make one stop on the line within the city limits, and argue that the position is not to be considered as one taken merely by a street railway company but it is to be considered in view of the fact that this line may be used for radial purposes by a system in competition with the applicants. However, this may be, it still remains a street crossing. I think that if railways manage to get free rights of way from municipalities allowing them to use highways for freight and ordinary railway purposes, that the railway that is fortunate enough to get this right cannot complain of being treated as an ordinary highway occupant or user and subject as such to the prevailing practice. I am, therefore, of the view that seniority should be accorded by the Board to the trains of the Lake Erie and Northern Railway Company.

October 16, 1913.

RE HIGHWAY CROSSING PÈRE MARQUETTE R.R., SARNIA.

Chief Commissioner DRAYTON:

This is an application made by the corporation of the town of Sarnia, Ont., for the Board's order granting the corporation leave to open up and construct its highway across the right of way and tracks of the Père Marquette Railroad Company at the south limit of the said town of Sarnia.

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The company's answer objects to the crossing on the ground amongst others, that, if the highway is constructed at the proposed point, the crossing, owing to the location and curve in the railroad of the company and the surrounding conditions, will be one of great danger, so that it will be impossible to use the highway with any degree of safety except by going to the expense of gates, a tower or other safety devices.

The company further submits that the crossing at this point means the expenditure of money in raising tracks to which the railway company should not be put.

The company also claims in its answer that, in any event, the crossing is not necessary, and that the highway which it is proposed to cross the tracks is, in fact, constructed for experimental purposes by the Ontario Government with the view of testing and trying out certain classes of pavement for country roads.

At the hearing, the company confined its objections entirely to the question of what future protection this point would need. Counsel did well to abandon the other objections raised. The road as constructed forms a great public convenience and an admirable approach to the municipality from the river road. It was apparent at the hearing that a large volume of traffic used the road in approaching from the south.

Mr. Brecken, for the company, makes his position clear that if the road is opened, if it is now or hereafter necessary to protect it, that the railway company should not be put to any expense of any kind whatever. This position could be better taken if the highway crossing on the Père Marquette at Sarnia were not in the dangerous condition in which they are. Whether the unsatisfactory condition of highway crossings over the Père Marquette is the result of an improper municipal town and railway layout, in the first instance, or is merely an unrestrained growth, need not now be considered; but it seems to be that the opening of this new street is the first attempt that has been made to make crossings less hazardous. Pedestrians, and those using vehicles, entering Sarnia at present by way of the river front, instead of having to pass two tracks, now, apparently, pass many tracks, some of which come suddenly on to the highway, giving those using it very little notice of their danger.

It would be a mistake to treat this application simply as an application to create a new street crossing and thereby create additional danger. It should be looked upon as a new method of crossing the railway tracks, less dangerous than that which has hitherto been employed. The municipality closes a part of the river road lying between the new crossing and the town, and the result is that those using the river road in approaching Sarnia, instead of crossing a large number of tracks as they hitherto have done, will simply have to use this one crossing, and cannot continue along the river road.

It would be entirely unfair and improper now to make as a term of the opening of the street the stipulation that the municipality should be at all the cost for protection. Usually, it is true, that the municipality, in opening up a new road, is at all the cost. In this case, I look upon the new highway as in fact a substituted road. This is a benefit not only to the municipality, but to the railway itself. It relieves the railway tracks, between the new road and the town, and along the line of the old river road, of all uses except that of a purely local character going to and from the industries located on the line of the railway. The crossing is not, perhaps, an ideal one; it is not without some danger (nor is any other crossing), but is the best that can be put in under the circumstances.

The order for the crossing, therefore, should be made.

The crossing is to be constructed up to the Board's regulations.

The company's submissions that it will have to raise its tracks if the order is made is quite right. Service tracks which are out of level must be raised to level. This work will cost between two and three hundred dollars.

The order will also provide that the company must keep its cars 75 feet back from the edge of the crossing on either side, so as to give those using it a proper view; and protection by an electric bell seems to be necessary.

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Under all the circumstances, I am of the view that the unusual expense in connection with this matter should be divided between the parties as near as may be. I think that the municipality should pay for the installation of the electric bell (a matter of some \$300 or \$400), and the railway company should be at the expense of bringing its tracks up to the grade, and also be made at the expense of maintaining and operating the electric bell after its installation.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

Ordered accordingly.

October 20, 1913.

RE REGINA STREET RY. CROSSING C. P. R. AT FOURTH AVENUE, REGINA, SASK.

Chief Commissioner DRAYTON:

This is an application made by the municipal corporation of the city of Regina for an order of the Board, under sections 227 and 228 of the Railway Act, authorizing the municipality to cross with its municipal street railway the Bulyea and Colonsay branch of the Canadian Pacific Railway Company, at rail level, at the intersection of Fourth avenue immediately south of blocks 11 and 12 Eastview.

The application was heard at the Board's sittings held in Regina on the 29th of May, 1913.

The only question requiring the matter to be reserved was that as to whether or not the construction of the Canadian Pacific should or should not be looked upon as senior to the public highway at this point, the opinion of the Board being that, so far as the crossing as such was concerned, no reasonable objection could be taken to its construction. An opportunity was given the parties to file written arguments on the question of the title, which has been done.

The position taken by the company was that no order of the Board had ever issued establishing a crossing; while, in 1907, a location plan of the railway covering the land where the city desires the crossing was approved by the Board under the provisions of the Railway Act and duly filed; that expropriation proceedings were taken under this plan and an award made covering all the property; that, subsequent to the making of the award, the owner filed a plan subdividing Eastview (on the 9th May, 1908); but that, notwithstanding this fact, the full amount of the award was paid and an undertaking taken from the solicitor for the owner as follows:

"That in consideration of the payment of \$13,850 being paid to us to-day, being the amount awarded J. K. MacInnes in the above arbitration, together with the costs of arbitration, we hereby agree to obtain for you any documents whatever which may be necessary to complete title for the C.P.R. right of way, and, if necessary, procure the signature of J. K. MacInnes as may be required."

The undertaking was necessary by reason of the fact that the subsequent plan having been filed the registrar objected to register a transfer covering the lands called for by the original plan, and drawn without having any regard to the changed conditions brought about by the plan of main line, 1908.

At the hearing, Mr. Grosch, who appeared for the municipality, relied on the registration of the plan setting aside and establishing a highway, and that the result of such registration was to vest the highway under the provisions of chapter 41 of the Revised Statutes of Saskatchewan in His Majesty in the right and to the use of His province of Saskatchewan; and that, now that the *locus in quo* now lies within the limits and forms a part of the city of Regina, the city of Regina could claim to stand in the same position.

As intimated at the hearing, I am of the view that Mr. Grosch's contentions were correct. The question is specifically covered by chapter 41 of the Revised Statutes of 1909, section 79, subsection 5. Reference may also be had to *Edmonton vs. Edmonton*, *Yukon*, and *Pacific Railway Company*, XIII Canadian Railway Cases, 128.

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There being no doubts as to what the effect of the registration of a plan is, the only question remaining to be considered on which the matter can turn is the plight of the title at the time the plan was registered. Mr. Grosch urges that there was no registration of the railway location plan of 1907, and that, whatever effect that plan might have, apart from the Saskatchewan statute already referred to, its section 70 provides that instruments registered in respect of or affecting the same land shall be entitled to priority, the one over the other, according to the time of the registration, and not according to the date of execution; and Mr. Grosch cites *re Grand Trunk Pacific Branch Lines*, 22 W. L. R. 515.

The railway company's argument is that the Dominion Parliament has fully provided for the manner in which lands required for railway purposes are to be acquired, pointing out that the company shall deposit copies of the approved plan in the office of the appropriate registrar of deeds or land titles; that, under section 191, after the expiration of ten days from the deposit—and after notice thereof has been given in at least one newspaper in each of the districts and counties through which the railway is entitled to pass—application may be made to the owners of lands—and thereupon agreements may be made with such persons touching the said lands, etc.; that by section 192 (1) the deposit of the plan, profile, and book of reference and the notice of such deposit shall be deemed a general notice to all the parties of the lands which will be required for the railway and works.

The railway company further submits that, having taken the proper steps contemplated by the Railway Act, and carried out the proposed construction called for by the plan of 1907, and finished the construction of its line in the latter part of 1909, that the registration of the plan of 1908 cannot control or curtail the rights of the company. So far as the construction is concerned, it was, of course, completed at a date subsequent to the filing of the plan of 1908. No evidence has been given as to when it was commenced, so that the only question to be dealt with is the effect of filing the company's plan of 1907 and subsequent proceedings taken thereunder for the acquisition of lands agreeable to the provisions of the Railway Act.

There is a conflict between section 191 (1) of the Railway Act providing for notice, and that section of the Land Titles Act of Saskatchewan already referred to providing that priority of registration shall in all instances apply having regard to the practices which have obtained in the local Land Titles Office. Not only was the location plan not in any way registered against the property in question—and perhaps it could not have been—but no notice is taken of it by the Registrar who accepted plan of May, 1908, as proper and sufficient, and duly registered it.

Neither party to the issue has referred me to section 77 of the Act, which provides that any plan, prepared in accordance with the provisions of any Act of the Parliament of Canada, and which has been lodged or filed with the registrar under or in accordance with the provisions of any of the said Acts, shall be dealt with and recognized by him in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with the provisions of this Act.

This section would seem to have been passed to provide for a situation such as this. In the words of the section, this plan, prepared as it was in accordance with the provisions of the Railway Act, was lodged with the registrar, but was not dealt with or recognized by him as if it had been a plan prepared and filed or registered under and in accordance with the provisions of the Act.

The section is not considered in *re Grand Trunk Pacific branch lines*, 22 W.L.R., 515. In that case the company sought to continue a caveat. The location plan which had been filed was held to show in the company an interest in the lands sufficient to support the caveat. This authority falls short of deciding that, apart from the caveat, no effect could be given to a railway location plan properly filed in the land titles office.

Apart from section 77, I am of the view that the Dominion legislation governs.

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Proposition 46 of Mr. Lefroy's book on the Legislative Power in Canada, reads as follows:—

"Where in respect to matters with which provincial legislatures have power to deal, provincial legislation directly conflicts with enactments of the Dominion Parliament—whether the latter immediately relate to the enumerated classes of subjects in section 91 of the British North America Act, or are only ancillary to legislation to the said classes of subjects, or are enactments for the peace, order, and good government of Canada, in relation to matters not coming within the classes of subjects assigned exclusively to the provincial legislatures, nor within the said enumerated classes of section 91—the provincial legislation must yield to that of the Dominion Parliament."

Full effect has been given to provisions of the Railway Act which directly affect property and civil rights, as for example, those authorizing the compulsory taking of property, fixing the manner in which compensation shall be made and the basis on which it shall be estimated, and matters of conveyance where those interested have no right in law to convey land.

In support of the principle laid down by Mr. Lefroy, reference may be had to *Tenant vs. Union Bank* (1894 A.C. 45), where it is pointed out that among the enumerated classes of subjects under section 91 of the British North American Act occur "Patents of Invention and Discovery" and "Copyrights," and that it would be practically impossible for the Dominion Parliament to legislate upon either of these subjects without affecting the property and civil rights of individuals in the province.

I do not think that it can be successfully urged that the legislation affecting the acquisition of property for the construction of railways is not a matter at least ancillary to legislation governing Dominion railway undertakings. The question apart from a matter of principle in so far as this application is concerned, is not of much moment. The municipality desires a recognized legal highway at this point, and there is no reason why it should not be granted.

The appropriate order will go in the usual terms permitting the municipality to make the highway crossing—if it has not already been put in.

Then, so far as the construction of the street railway is concerned, no reasonable objection can be urged to its construction, and the order will authorize the municipality to build its electric line over the tracks of the Canadian Pacific at this point. The municipality will, of course, be at the cost of laying its tracks and installing proper and sufficient diamonds. The crossing must be protected, and the order will provide for the installation of an interlocker (the points set against the electric road), and the plan of the layout to be approved by the Board's engineer. In so far as the cost of protection is concerned, one-half of the installation and maintenance will be paid by the railway company and one-half by the municipality, the interlocker to be operated by the conductor of the city line, who will set signals at danger in the steam railway, close the derails in the street railway, permitting the street cars to cross the crossing, and then reverse the operation.

Order, in accordance with the judgment, issued.

October 21, 1913.

RE RECONSTRUCTION OF BRIDGES ACROSS GRAND TRUNK AND CANADIAN PACIFIC RAILWAYS AT
STRACHAN AVENUE, TORONTO.

Chief Commissioner Drayton: This is an application made by the city of Toronto for approval of a plan showing the reconstruction of bridges across certain tracks of the Grand Trunk and Canadian Pacific Railways at Strachan avenue, Toronto.

These bridges are city bridges, erected by the city apparently at its own cost, the responsibility for maintenance also being on the city.

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The city's representatives urge that the present condition of the bridges is such that it is dangerous to maintain them in their present state, and that it is absolutely necessary to rebuild them at once. The city's application, then, merely is that it desires, at its own cost and expense, to rebuild and put in a proper state of repair a public highway or means of communication which the municipality is bound to maintain. Under such circumstances, it seems to me that the order as asked should go, subject to certain qualifications.

The bridges as now constructed only provide a clearance of from 17 to 18 feet. Since the bridges have been constructed an amendment has been made to the Railway 6 inches, except in cases where the Board permits a lower clearance. Since this Act 6 inches, except in cases where the board permits a lower clearance. Since this Act has been passed, full effect has been given to it by the Board. No clearances under 22 feet 6 inches, that I know of, have been allowed, except in cases where the special circumstances obtaining render it unnecessary to require the statutory clearance, so that the enforcement of that clearance would merely mean an unnecessary expense to the parties. No such circumstances have been shown here.

At the hearing, the companies were asked as to whether it would not be feasible in this case to have a general order made prohibiting railway employees from going on the tops of the cars in this district. The companies, at the hearing, did not give a definite answer one way or the other; but Mr. Farrell, who is Superintendent of Toronto Terminals of the Grand Trunk Railway System, has since written saying that his company cannot make any such regulation at the point in question.

As Bathurst and John street, on the one side, and Dufferin street, on the other, provide proper clearances, and as operations at the point in question are practically similar to those at the other points noted, and call for similar practice so far as the duties of brakemen are concerned, I am of the view that it is impossible for the Board to make any order that employees shall be kept off the tops of cars. Under these circumstances, the statutory clearance must be given. The companies will require for the proper operation of their lines, and as called for by the viaduct improvements as ordered, an additional track to the tracks now running under the bridge on the Grand Trunk right of way. The piers of the city bridges must be arranged in such a way as to allow for the construction of this additional track. The necessary details will be settled, in case of dispute between the parties, by the Board's chief engineer. The bridges should also be arranged to allow two tracks along the line of the Canadian Pacific Railway to Queen's wharf, these tracks being necessary for the proper accommodation of the business of Toronto. On the record as it stands, the whole cost is that of the city.

Apparently, all the property on which the bridges are to be built belongs to the railways, with the result that, by common consent the matter is being treated entirely as one that the city should pay for. Leave, however, is reserved to the city to make such application as it may be advised for an order requiring contribution from the companies, in so far as any additional expense for new tracks is concerned, as it may be that this aspect of the case should be developed.

Objection to the structure is also urged by the John Inglis Company and by the Canadian Oil Company, on the ground that these works will result in serious injury to their properties and to their businesses. I do not think that it is the duty of the Board to interfere as between the ratepayers and the corporation in a case of this character. The two objecting industries think that the city should swing the bridge and build it on its own property to the east. The city is responsible for damages both direct and consequential,—is fully seized of the whole situation, and, in my view, is the best judge as to the requirements of its highway traffic at this point. I think, however, that, after the view that the Board had of the *locus in quo*, the civil authorities themselves are of the view that the bridge can be put more to the east side of the highway, and thus minimize damages resulting from its construction. In my view, however, as I have already stated, this is a matter for the city to consider.

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The only question which it seems to me is properly open to the Board is the question as to the grade of the approach. The sharper the grade the less the bank in front of the Inglis property. The regular requirements of the Act call for a 5 per cent grade. No special circumstances have been shown here which would justify against the protest of the Inglis Company of a departure from the statutory rule. The slopes, therefore, in my view, should be constructed at a grade of 5 per cent; but I think that leave should be reserved to the city to make out a case for reduced grade, if desired.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

Order, in accordance with the judgment, issued.

October 21, 1913.

RE OPENING OF PEACE AND ATHABASCA AVENUES ACROSS CALGARY AND EDMONTON RAILWAY—CITY OF EDMONTON, ALTA.

Application of the corporation of the city of Edmonton, Alberta, under section 237, for authority to construct highways across the railway and yards of the Calgary and Edmonton Railway Company, within the limits of the city, for the purpose of opening up Peace avenue and Athabasca avenue across the said railway either by means of an overhead bridge or subway.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing in Edmonton, October 31, 1913:

The issues raised in this case are difficult; but the Board has been favoured with careful argument by both gentlemen appearing, and there is no reason why we should not get rid of it without further delay.

On the 27th of May, 1905, the location plan of the Calgary and Edmonton Railway was filed. That is the first interference, so far as we know and so far as the plans are concerned, with the property in question. That plan shows that on the 27th of May, 1905, no streets existed at the points where Peace and Athabasca streets are now sought to be opened across the railway tracks. The more recent plan, filed in November, 1905, is fairly good evidence as to the correctness of the location plan, since it (the more recent plan) opens streets and subdivides a neighbourhood that apparently had not previously been subdivided, as shown by the later plan itself.

Therefore, I take it that—apart from any question of onus, which under the Board's practice generally lies on the person attacking the plan, to show that it is incorrect—there were no highways at the points in question on the 27th of May, 1905, when the location plan was filed.

Now, as to the effect of the location plan. Objection has been taken to plans of this kind on different grounds; sometimes that, under the provisions of the B.N.A. Act, the Dominion has absolutely no right to interfere with matters of title, as the filing of such a plan undoubtedly does, and that such legislation is without the authority of the Dominion Parliament. Mr. Biggar does not raise that point; and I think he is very well advised in not raising it. It is necessary, if railways are to be built, that lands have to be affected; it is a purpose at least ancillary to direct legislative powers of the Dominion under the B.N.A. Act, and I think the objections made in the past fail.

The result is that, if the location plan is properly registered, and if under the Railway Act, the effect of the registration of a railway plan is to affect interest in lands, it is effective, notwithstanding the fact that it deals with matters of property and civil rights.

Mr. Biggar's objections on the latter question, that is, as to the effectiveness of the plan, are twofold. In the first instance, he objects on the ground that the plan does not contain the information required by the Statute. I am going to find against Mr. Biggar on that point. The plans are drawn to a scale, the Book of Reference is

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fairly complete, and the necessary information does seem to be given. Whether or not more information could have been given at that time I do not know; but on the record I find the plan sufficient for the purposes for which it was filed in 1905.

Then Mr. Biggar further objects that the mere filing of a location plan is not of itself sufficient to affect interests in property. The statute then in force, section 192 of the Railway Act, to which Mr. Biggar refers me, and which would seem to be the correct section, expressly provides that the deposit of such a plan shall be deemed a general notice to all parties of the lands which will be required for the railway and works.

I think Mr. Biggar's objection may be considered as well taken in part. The location plan may be abandoned; the contemplated arbitration may never proceed; and the notice which Mr. Biggar thinks is necessary under section 193 before the plan can be effective, may also be abandoned; and it would be absurd to say that, under such circumstances, the owner could not do anything with his property. In my opinion, the Act does not contemplate such a conclusion. I think all the Act means, is that so far as the ascertainment of interests in land for which compensation is to be paid is concerned, the date of the registration of the plan governs, and that any change, either in title or in improvement or in anything else in connection with the land, is subject to that date and to the notice resulting from the registration of the said location plan.

Under these circumstances, I think the right of the landowner to lay out the streets is subject merely to the railway's location plan and the rights which the railway company secured thereunder to proceed with the undertaking. In other words, if the proceedings go on, the line is built and the location plan stands; and subsequent registration of a plan opening highways is inefficient as against the railway company and does not discharge the railway's interest in the *locus in quo*.

Now, if I am right in that, it follows that the railway company is senior to the municipality in so far as the property in question is concerned.

But, over and above all this, the parties themselves come to an agreement, validated by the local legislature; and by the express terms of that agreement the city bound itself "to stop up and close the streets in question, if as a matter of fact, they were in any way streets, avenues, or highways." It was clearly open to the city to reserve the right that it desired to reserve, so long as the reservation of that right did not entirely defeat and nullify the real purpose of the agreement, which, so far as the streets are concerned, was to extinguish any right the public might have of using the continuation of Peace and Athabasca avenues across the right of way of the railway company. Effect can be given, in part, to the provision which is made at the end of the agreement, by construing it as reserving to the city the right at any subsequent time to move to open up these avenues—so the city's action, in entering into the agreement of October 20, 1909, cannot be looked upon as stopping the city from making application, if, in the view of the municipal authorities, circumstances have so changed as to justify the creation of new highways at the points in question. That is the effect I would give to that particular clause of the agreement, rather than read it in such a way as to nullify the main provision of covenant.

On the question of public user, I think the evidence fails to show that the original plan-filing was wrong. Mr. Biggar very frankly said, and there can be no doubt as to his correctness on this point—that there were no houses or development at this particular point in 1905. Traffic did subsequently grow up, houses were built, trails which were then devious became gradually defined by the development of the district; and undoubtedly there was crossing east and west, which was ultimately defined in connection with the development and acquirement of lands, but it was subsequent to 1905.

There is one other way in which the railway company could be said to have acquiesced in the position now taken by the municipal authorities, apart altogether from the agreement already referred to; that is, if it had itself recognized this—not as

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a trail crossing or trespass line, or anything of that kind, but, as a proper highway crossing, by itself doing something to establish that fact. The way in which that is invariably done, is by the erection of railway crossing signs; but the evidence is that there were no railway crossing signs at the points referred to.

Therefore, on all the grounds taken on the legal issue, I find that the municipality has failed.

The matter is entirely one of law; and if Mr. Biggar wishes me to do so, I will assist him in obtaining the opinion of the Supreme Court.

I do not suppose that the city will want to go on with the matter and pay all the cost. I think it will be better to settle the legal issue before proceeding further with the applications for the construction of Peace and Athabasca avenues across the railway.

Orders issued, finding and adjudging that the title of the railway company is sufficient and effective as against the municipality, and that should the highways be opened such openings would be subject to the seniority of the railway company's title and construction.

RE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RAILWAY COMPANY'S STREET CROSSINGS,
OSHAWA, ONT.

Assistant Chief Commissioner SCOTT:

At a sitting of the Board held at Port Hope, on February 5 last, the railway company and representatives of the town of Oshawa were heard at considerable length in this matter. In addition to the evidence submitted, Commissioner Goodeve and I who were present at the hearing had the advantage of going over the ground and seeing the location of the railway through Oshawa.

After the Port Hope hearing, we succeeded in bringing about a conference between Mr. Leonard for the railway company, and Mayor Edmondson for the town; and, they agreed at a conference held at Oshawa on the 26th May last, on a plan for the separation of grades at Simcoe street and Albert street, and a diversion of Centre street via Hall street to Simcoe street. The result of this arrangement freed Oshawa from any grade crossings in the central portion of the town. A plan showing this arrangement was submitted by the railway company and approved of by the Board by order No. 20349 of the 11th September last.

In a telegram, dated 30th October last from Mr. Grierson, town solicitor, a request was made to the Board to re-open this matter, and to have the matter set down for discussion at the Ottawa sittings on Tuesday last, when the whole matter was gone into again and the parties were heard at considerable length. It appeared from the evidence that there was a division of opinion between the members of the municipal council, and that by a majority of one they were opposed to the arrangement made by the mayor and the railway company and confirmed by the Board's order.

The town solicitor, at this recent hearing, submitted to the Board a plan showing a grade crossing with gates at Centre street and Albert street which he asked the Board to approve of in place of the one agreed to by the mayor and the railway company. The railway company approved of the plan submitted by the town solicitor, but stated, that it was prepared to carry out the original arrangements made with the mayor if the Board rejected the new plan.

Since the hearing, the following night letter and telegram have been received:—

(Night Letter).

OSHAWA, November 7, 1913.

"At a meeting of town council held to-night when several members were absent, including chairman of railway committee, the mayor caused a resolution to be passed asking your Board to vary terms of agreement with Campbellford,

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Lake Ontario and Western Railway presented to your Board on Tuesday last the majority of council favours the agreement and ask that order in accordance with the issue council will not approve closing of Centre street."

JOHN STACEY, *Reeve,*

F. L. MASON, L. M. BROOKS,

Councillors.

(*Telegram.*)

OSHAWA, November 8, 1913.

"At a regular session of the council held last night the following resolution was declared carried unanimously thirteen members being present and no one voting against it. Moved by Deputy Reeve Regan, seconded by Councillor Coull that whereas the Dominion Railway Board have now under consideration the plans prepared by Mr. Ramsay for C. L. O. & W. crossings in Oshawa, and whereas said plans show a grade crossing at Albert street, and whereas large public meetings recently held have almost unanimously voted against grade crossings and whereas in the opinion of this council a separation of grade should be made by means of an overhead bridge as per our plans theretofore presented to the Board. It is therefore resolved that the Dominion Railway Board be at once notified that the said Ramsay plans be and are hereby withdrawn and that the mayor is hereby instructed to forward this resolution."

E. S. EDMONDSON,

Mayor.

As there is such difference of opinion among the members of the municipal council, much reliance cannot be placed on their representations.

On both plans there are separation of grades at Simcoe street. On the first plan there are separation of grades at Albert street, and Centre street is closed at the point of crossing; whereas the latter plan has grade crossings at both these streets. There are serious objections to a grade crossing at Albert street, even if it were protected by gates; because on the plan showing a grade crossing at Albert street the station appears to be just east of that street and it would be blocked by all trains stopping at the station. With the usefulness of that street seriously impaired in such a way, I think the better and safer solution for the town is the one made by the mayor showing separation of grades at Albert street.

The new plans have been submitted to our assistant chief engineer, Mr. Simmons, who is familiar with the layout of the railway in Oshawa, and he has placed the following memorandum on the file:—

"I have examined the new plan of street crossings in Oshawa, showing grade crossings at all the streets except Simcoe street. Comparing the two schemes, I am strongly of opinion that the plan approved by the Board, showing Centre street closed, and an overhead crossing on Albert street, is much the better scheme. While there may be some advantage in leaving Centre street open, it must be borne in mind that gates are not an absolute protection against accident and it appears to me that the plan that practically does away with all grade crossings in Oshawa is the plan to hold to."

Bearing all these matters in mind, I think the best thing to be done in the public interest is, to refuse the town's application for the adoption of the new plan; and instruct the railway company to proceed in accordance with the plan approved by the Board in its order of September last.

Commissioner Goodeve concurred.

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RE DIVERSION OF RUE LA VERANDRYE, ST. BONIFACE, MAN.

An application by the Canadian Northern Railway Company for authority to divert rue La Verandrye, in the city of St. Boniface, Man.; and to take for the purpose of such diversion parts of lots 572 and 574, D.G.S., 76, plan 224, of the said city, the property of C. A. Gareau, on the ground that no other land suitable for such purpose can be acquired at such place, on reasonable terms and with less injury to private rights.

The proposed diversion was approved by the municipality; but it was strongly and ably objected to by Isaac Pitblado, K.C., on behalf of C. A. Gareau and other owners of lots on the said rue La Verandrye.

Mr. Commissioner MILLS:

On principle, I object strongly to either a railway company or a municipality being allowed to infringe upon the rights of an individual, damaging his property, in the public interest (general or local, real or supposed), without adequate compensation. If a railway company or a municipality is benefited by putting an individual to inconvenience, or interfering with the free use and enjoyment of his property, it should make him full and suitable compensation.

Hence, on general principles, I made it plain, at the hearing of this case, that I was opposed to granting the application of the railway company for the diversion of rue La Verandrye, unless the said company would provide a regular 66-foot street alongside its right of way between rue La Verandrye and rue Notre Dame, in order to furnish C. A. Gareau and other interested owners of property on rue La Verandrye an adequate and convenient street to and from the proposed new station and other points in that direction; but, on personal inspection of the locality, I came to the conclusion that the eight lots in question (560, 562, 564, 566, 568, 570, 572, and 574, on rue La Verandrye), being in a low-lying place alongside the railway, are fit only for industrial sites, and will, as such, be properly served by the 30-foot road provided for in the plan submitted for approval.

Therefore, my opinion is that the application of the Canadian Northern Railway Company for permission to divert rue La Verandrye as per the plan mentioned above, and to take the land necessary therefor, should be granted, on condition that it construct, as soon as the new station is erected, a good 30-foot road alongside its right of way, as shown on the plan, from rue La Verandrye to rue Notre Dame, and grade the said road properly, leaving it in as good condition as rue La Verandrye between rue St. Jean-Baptiste and the crossing over the tracks of the Canadian Northern Railway.

Chief Commissioner Drayton concurred.

Mr. Commissioner MILLS:

Since the writing of my judgment dated November 11, 1913, we have been advised by our assistant chief engineer that the road in question should be "at least 40 feet wide"; and I must admit that when I wrote the judgment, I did not think of the space required for a sidewalk, say, 6 feet wide and two ditches. Hence, it is necessary to change the said judgment so as to provide for a street forty-one (41) feet wide.

Ottawa, January 7, 1914.

Chief Commissioner Drayton concurred.

November 11, 1913.

RE CANADIAN PACIFIC RAILWAY COMPANY'S BRIDGE 92.7 OVER DON VALLEY.

Assistant Chief Commissioner SCOTT:

The Canadian Pacific Railway Company is double tracking its line from Toronto easterly; and, in carrying out this work it desires to build a bridge parallel to and

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adjoining its existing bridge over the east branch of the Don river and valley on which it runs. The new bridge is to be constructed on towers which are to be placed in the spaces between the towers of the existing bridge. This method of construction our chief engineer recommends as good construction.

Mr. W. F. Maclean, M.P., owns the property in the Don valley on each side of the right of way of the Canadian Pacific railway where the piers of its present bridge stand, and on which the piers of its new bridge are to be constructed. At present there is ample space between the existing piers through which Mr. Maclean's cattle have been able to pass, and through which vehicles have been driven. Our engineer who has inspected the location says that there are well defined roadways under the existing bridge where vehicles have been driven.

If the Board approves of the plan of the new bridge which the railway company has submitted to us, and the bridge is built according to that plan, all the passages under the old bridge would be blocked up by the piers of the new bridge, and there would be no way of getting from Mr. Maclean's property on one side of the bridge to his property on the other side of the bridge, except by way of a farm crossing which is to be constructed, under a covenant in a deed which is later referred to, under the bridge at its extreme west end and upon the side of a hill some distance away from the centre of the valley.

Mr. Maclean has filed an objection with the Board against the proposed plan, and has asked that he be given two openings under the bridge in addition to the farm crossing referred to.

The Board's attention has been called to a conveyance from Mr. Maclean's predecessors in title, John Frederick Taylor, *et al*, dated 1st March, 1890, to the railway company, of the right of way upon which the piers of the existing bridge stand and upon which the piers of the new bridge are to be constructed. After granting the lands therein described the conveyance has the following reservation:—

"Reserving to the said vendors their successors and assigns the privilege of damming up and backing the water on the east branch of the Don river where the same passes under the viaduct or bridge of the said company on the lands hereby conveyed which are more particularly described as the second parcel of the first schedule above referred to for mill or power purposes, and also reserving to the said vendors, their successors and assigns, the right of way under the said bridge as now enjoyed by the vendors, subject to the right of the said company at any time to fill up such part of the said bridge as may be done without interfering with the privileges hereby reserved.

"And the said vendors do hereby for themselves, their and each of their respective heirs and assigns covenant and agree with the said company not to back the water so dammed up to a greater height than 4 feet from the top of the mason work of the abutments or piers of the said bridge as now erected, or at any time hereafter to be erected by the said company over the said river."

Before it had obtained the approval of the Board to the plan of the new bridge, the railway company commenced construction of the new piers, and Mr. Maclean took proceedings in the courts of the province of Ontario for the protection of his rights under the conveyance above referred to. These proceedings are now pending, and it is not the intention of this Board to attempt in any way to dispose of the matters now in litigation, or to prejudice the position of either party.

Nevertheless, under section 257 of the Railway Act, the duty is imposed on this Board of passing upon the plans of all bridges which railway companies incorporated by the Parliament of Canada desire to construct; and the Board is the only forum that has power to take such action. Therefore, we should dispose of this matter in so far as the character of the bridge which the company desires to construct is con-

cerned, and leave the parties to have their rights under the conveyance disposed of by the courts of the province, which are, of course, the proper forum to deal with such a matter.

From the point of view of public safety, our engineer reports to us that the bridge will be a satisfactory one, and he recommends the approval of the plan. We have power to make any alteration in the plan which we deem proper. We have also power to direct the construction of a farm crossing either as a level crossing or as an under-crossing, and it is in our discretion to pass upon the necessity of such crossing. An opening in the structure sufficient to afford a farm crossing is, in effect, an under-crossing here. As the railway is junior to the Taylors and their successors in title Maclean, at this point it follows that the necessary cost of such rearrangement in the proposed structure, as is necessary to afford a farm crossing, should be at the expense of the railway. Bearing in mind the character of the valley and the fact that Mr. Maclean's property is on each side of the railway company's right of way, the Board thinks it proper that there should be a farm crossing somewhere near the centre of the valley. Mr. Maclean asks for an opening to be left between piers eleven and twelve (11 and 12) on the east side of the river. This opening can easily be left by a slight change in the construction of the ironwork of the bridge which will leave a clearance of something over 40 feet wide with 16 feet head-room.

An order should therefore go, approving of the plans of the bridge, with the modification that a farm crossing as already mentioned should be left between piers 11 and 12. The order should contain a provision that it is without prejudice to the parties' rights in the existing litigation, and that it is subject to Mr. Maclean's rights—whatever they may be—under the deed from Taylor to the railway company.

The railway company also ask for the right to expropriate certain lands of Mr. Maclean adjacent to the bridge, which are shown on the plans on this file. A separate order will go granting that application.

Commissioner McLean concurred.

November 12, 1913.

RE CANADIAN NORTHERN CROSSING, COUNTY OF CARLETON HIGHWAY, BETWEEN
CONCESSIONS 3 AND 4, TOWNSHIP OF MARCH.

Assistant Chief Commissioner SCOTT:

In this matter the Board, on the recommendation of its engineer, issued order No. 17199, dated 12th August, 1912, approving of a grade crossing of the railway over the highway, with a diversion in the latter which would make the crossing practically a right angle one. Before that order was issued, a notice was served by the railway company on the township of March of the application, but no submission was made to the Board by the township. The secretary of the township, however, wrote the Board on September 9, 1912, saying that the township council approved of the crossing.

Notwithstanding the decision of the council of the township of March expressed in the secretary's letter already referred to an application dated 2nd April, 1913, was received by the Board asking that the road be not diverted, but that the level crossing be on the original lines of the highway, which would mean a skew crossing. The question of whether the highway was to be diverted, or the crossing put in on the original lines of the highway, came before the Board on the 6th May last, and after all concerned were heard, the Board decided that the diversion in the highway would provide a better crossing and the application of the township was refused.

We then had a request from the county council of Carleton to have this matter again re-opened, and to consider the feasibility of a subway at the point of crossing. That matter was set down for discussion and all parties concerned were heard at a sitting of the Board at Ottawa on the 4th instant.

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On Friday, the 14th instant, Commissioner Goodeve, Chief Engineer Mountain, and I inspected the crossing on the ground. The highway in question is in poor condition, quite below the average country road. It does not appear to be very heavily travelled. At the point of crossing on the south side of the highway and the railway the ground is low and wet. It is a clay soil with a good deal of rock in it. At the point of crossing there is a fill in the railway and a small creek passes under it through a culvert. There is about 10 feet from the bottom of the creek to subgrade. The surrounding land is low and wet. It seems to me that if a subway was constructed as requested, it would be difficult to drain, and there would, in all probability, be a very objectionable mud hole in the bottom of the subway at the spring of the year, or after heavy rains.

Our chief engineer, after examining the ground, reports as follows:—

"The ground on the south side is flooded, not only in spring time, but is to some extent now and after every rain. To the bottom of the little creek under the culvert, I would say is 10 feet to subgrade, that is, to one side of the highway crossing. This, I think, at even a moderate flood of water would be half filled, leaving the water level only 5 feet below the rail. In my opinion, to put a subway in would make it only a bed for the creek to run the water off from the south and could be rarely, if ever, used as a subway."

Being fortified by Mr. Mountain's view, I am satisfied, in the interests of those who travel this highway, that they would be better off with the present grade crossing than with the class of subway which is usually put in on country roads. I do not think the present grade crossing on the diverted highway is a dangerous one; and, I think, that bearing everything in mind, it should not be disturbed. The county council should be advised that the Board will not vary the order already issued in this matter.

Commissioner Goodeve concurred.

November 17, 1913.

RE C. P. R. DOUBLE TRACK BRIDGE, DON VIADUCT, TORONTO, ONT.

Chief Commissioner DRAYTON:

This is an application made by the Canadian Pacific Railway Company for approval of its plan showing the general layout of the new steel trestle required for double track bridge 94-4 Toronto subdivision, Don viaduct.

The application is opposed by the city of Toronto on the ground that the structures as contemplated will completely shut off all possible opportunity for laying out highways in the future underneath the railway structure. The work is necessary, by reason of the fact that the Canadian Pacific Railway Company now has at the point in question a properly constructed bridge for the purposes of one track, for the second track, which is required for the purposes of effecting the railway improvements now under order at North Toronto, and under which the Canadian Northern obtain access to the city. The Canadian Pacific Railway Company's proposal is practically to duplicate the existing structure staggering the piers. The Board's engineer has carefully considered the engineering details and thinks this is a proper construction, and that the only alternative to the proposed work would mean a new complete structure, and the doing away with the present bridge. Apart altogether from the interruption to traffic that this would entail, and the inconvenience to the travelling public, the existing bridge is worth some \$60,000, all of which would be wasted, as the engineer reports.

The work is necessary and approval will have to go. It can, however, be constructed in such a way as to allow highway construction. The city's representatives have pointed out that the proper position for highways would be between piers 5 and 6 as marked on the plan. Construction can be changed at these points at a compara-

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tively small cost so as to enable the construction of highways with a clearance of at least 14 feet under the bridge structure. The engineers estimate this cost at \$3,000. There is no highway at present at either point, and as a matter of strict right, the city is not in a position to claim any interference in bridge structures.

It would be a pity, however, not to allow the city, at the present time, to obtain rights. The highways will probably some day be necessary.

I would treat the city's application as an application to open a highway across the railway's right of way, and would give effect to it with the result that if the city desires openings to be left between piers Nos. 5 and 6, there will be a direction made to the railway company to submit plans providing for such opening, the extra cost occasioned by the change being estimated, as I have stated, at about \$3,000 to be paid for by the city.

The city will have the right of electing as to whether it desires the openings or not within ten days.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

November 22, 1913.

RE SUBWAYS UNDER G.T.R. AND C.P.R.—STE. ANNE DE BELLEVUE, QUE.

Application of the municipalities of Ste. Anne de Bellevue and the village of Senneville, for subways carrying the highway under the Canadian Pacific and Grand Trunk Railways.

Assistant Chief Commissioner SCOTT:

This application came before the Board at a sitting in Montreal on the 5th instant. The rights of way of the Canadian Pacific and the Grand Trunk Railway Companies are side by side through the village of Ste. Anne de Bellevue. I am familiar with the location. At the point where the subway is requested, the tracks of both companies are on a high embankment. The ground therefore lends itself to the construction of a subway.

There is at present no highway crossing over the tracks of either company between the stations of the two companies, except the level crossing just east of the platform at the Canadian Pacific Railway Company's station. Each railway company has double tracks over the present level crossing, and in addition to the use of these tracks by through trains the highway crossing is frequently crossed by shunting movements in connection with local freight on both lines.

The only other highway crossing anywhere in the neighbourhood of Ste. Anne de Bellevue is the crossing of the public road which adjoins the Ottawa river and passes under the tracks of both companies on the bridges over the river; but, this crossing is some distance away from both stations and would not be convenient for the traffic that now goes over the level crossing already referred to.

Both Ste. Anne de Bellevue and Senneville are growing municipalities, and are inhabited in the summer time by residents of Montreal who constantly travel to or from that city. All those living on the north of the C.P.R. tracks and taking the Grand Trunk train to or from Montreal now cross over the level crossing; and, all those travelling by the C.P.R. to or from Macdonald College, which is south of the Grand Trunk tracks, also use the level crossing.

Bearing in mind the heavy traffic on the highway at the level crossing, the constant movement of trains in either direction on the double tracks of the two companies over the level crossing and the elevation of the tracks of both companies at the point where the subway is proposed, which will materially reduce the cost of construction, I think the application should be granted and subways under both tracks ordered.

At the hearing it was contended by the applicants that the level crossing, which would be eliminated when the subway was constructed, was on a highway which was in lieu of an old highway known as Ville Montée Ste. Marie, which was in existence

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prior to the construction of the Grand Trunk railway. The evidence on this point is not clear. It is clear, however, that this old highway, if not constructed prior to the Grand Trunk, was constructed a short time afterwards. However, in a case of this kind the senior and junior rule which the Board usually applies to the crossing of one railway over another railway should not be given as much weight as it is given in the case of two railways. In cases of highway and railway crossings, the traffic on the highway and the traffic on the railway are more important factors in fixing the cost of the separation of grades than the question of seniority.

In the present case we could give 20 per cent of the cost of each subway out of the Railway Grade Crossing Fund. After deducting that 20 per cent, the balance of the cost should be borne as follows:—

In the case of the subway under the Grand Trunk Railway Company's tracks:

	per cent.
Municipality of Ste. Anne de Bellevue	15
Municipality of Senneville	15
Grand Trunk Railway Company	70

and

In the case of the subway under the tracks of the Canadian Pacific Railway Company, the balance after deducting the 20 per cent, to be paid out of the Railway Grade Crossing Fund, should be borne as follows:

	per cent.
Municipality of Ste. Anne de Bellevue	15
Municipality of Senneville	15
Canadian Pacific Railway Company	70

The plan submitted by the applicant is not satisfactory. It shows a roadway of 16 feet and a sidewalk of 4 feet in width. As there will be practically a right angle turn on the highway at each end of the subway, 16 feet is too narrow for a roadway, and I think there would be danger of an accident occurring in the subway. The roadway, apart from the sidewalk, should be 22 feet clear; and, the entrance of the subway from the highway at each end should be fanned out so that there will be at least a distance of 40 feet between the ends of the abutments measured at right angles to the highway.

The work of constructing the subway should be done by the railway company under whose tracks the subway is to be constructed. Revised plans should be submitted by the railway company of the subway under its tracks, by the 1st April, 1914, and the subway should be completed by the 1st September next.

Commissioner Goodeve concurred.

January 22, 1914.

Mr. Commission McLEAN:

I agree in the direction that there should be two subways.

At the hearing I queried whether, on account of seniority to the highway, the Grand Trunk should be required to contribute to the cost of the subway under its tracks. On further consideration of the matter, I have concluded that in the question of protection at a highway crossing the rule as to seniority and juniority should not be applied in the same way as in connection with a crossing of one railway by another. The danger at a highway crossing is, in the majority of cases, attributable not only to increased traffic on the railway but also to increased traffic on the highway. Under such conditions, it seems justifiable to have a division of the cost, the division being governed not by any hard and fast principle, but by the facts of the particular case

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before the Board. As was stated by the late Chief Commissioner Mabey in the hearing in connection with the protection at the level crossing of the Grand Trunk at Lachine road, Rockfield, Que:—

"There is no scientific rule you can apply; each case has to stand on its own bottom, and at best turning the thing over in every aspect that one can—I say at best that one can only in matters of this sort do rough justice in distributing the expense."

In joining the municipalities as parties in interest, the Board is justified in looking to the extent of the interest of each of the parties. In view of the nature of one phase of the traffic to which special reference has been made, viz., automobile traffic, and the interests of the municipality of Senneville therein, I am of opinion that it should bear a larger percentage of the cost; and the distribution of cost which I consider justifiable is, after deducting the statutory contribution, to divide the cost as follows, in the case of each subway:—

Municipality of Ste. Anne de Bellevue	15%
Municipality of Senneville	30%
The railway	55%

January 28, 1914.

RE G. T. R. CROSSING AT CLARKSON, ONT.

Complaint of Mr. Sydney Preston relative to dangerous crossing on the Grand Trunk Railway at Clarkson, Ont.

Chief Commissioner DRAYTON:

It is difficult to understand the reasons for any misunderstanding as to the employment of night and day watchmen at this crossing before the installation of gates as well as after.

The hearing, where the Board's directions were given, took place at Toronto on October 13 last.

The Board was of the opinion that the crossing was one which must be protected by gates and watchmen, and was anxious that the gates should be installed and the protection afforded as quickly as possible. The railway company was of the view that three months at least were required in order to install the gates, Mr. Chisholm, who appeared for the company, stating that the company would do its best to have the gates installed in that time. The direction that the Board then gave was that the gates were to be installed in three months' time, but that if it was impossible to install them within that period, the railway company, at its own expense, would then put on a day and a night watchman until the gates were installed.

It may be that the formal order is not drawn as clearly as it might be, in that it does not plainly embody the company's duty to employ the watchmen. This defect, however, can hardly be said to have misled the railway company. The order contains a direction that if the gates are not erected and in operation within three months, the expense of the day and night watchmen employed at the crossing will be borne and paid by the railway company until such gates are installed. The company's plans showing the layout were submitted for approval of the Board's engineer on December 9. The layout was approved and the plans returned to the company by letter of December 12.

On January 21, the company in its written application states:—

"We regret that it has not been possible for us to complete the installation of these gates by the 21st inst. for the reason that we have not as yet been able to get delivery on the ground of the material required for the work, and we

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would therefore be glad if the Board would extend until May 1, 1914, the time for installing the gates. As you are aware, it is extremely difficult and increases the cost to install crossing gates at this season of the year when the ground is frozen solid for a considerable depth, and if the Board will grant this extension it will enable us to do the work as soon as the frost leaves the ground.

"We also beg to ask the Board to relieve us from the obligation of placing day and night watchmen at this crossing pending the installation of the gates. The order was not received by our chief engineer until October 27 last, having been received by me and sent him on 25th, and as at the best it would take at least six weeks to prepare the plans and get the material on the ground, it would have been impossible to install the gates before freezing weather arrived."

It will be observed that the company's application is two-fold, firstly, that it is impossible to install the gates within the time directed, and that there should be an extension in so far as that part of the work is concerned until May 1, 1914; secondly, that the Board should relieve the company from the obligation of placing night and day watchmen at the crossing pending the installation of the gates.

The Board recognizes, indeed has to recognize, the difficulty, if not the impropriety, of doing this kind of work in the winter time, and that the railway companies find it very difficult to get delivery of material ordered promptly. The difficulty of obtaining the material in time, although ordered, having been shown, coupled with the fact that the delay would necessitate construction in the winter, it was proper for the Board to extend and the Board did extend, by its order of January 24, the time within which the gates should be installed.

No relief, however, was given the company on its application to be relieved of the necessity of employing night and day watchmen at the crossing pending the installation of the gates.

As evidencing the fact that the company's obligations were recognized by the company, on January 21, 1914, watchmen were stationed at the crossing in accordance with the company's construction of the original order No. 20618.

In view of the company's own construction of the Board's direction and the fact that the extending order No. 21258 merely extended the time for the installation of the gates, it is difficult to understand how the company could assume that the obligation to protect the crossing, pending the installation of gates, by a night and day watchman, was discharged by the latter order.

The company was advised, on the 6th inst., that it was not the intention of the Board to relieve it from keeping a night and day watchman on duty.

Complaint is now made by Miss Hodgetts, Secretary of the Women's Institute, that the watchmen have been withdrawn.

The Board directs that watchmen be immediately appointed and has so advised the company by wire. If the direction is not at once acted upon, an order will go providing for appropriate penalties, which will be enacted for every day that default continues.

Assistant Chief Commissioner Scott concurred.

February 12, 1914.

Re HIGHWAY DIVERSIONS C.L.O. AND W. AND G.T.R.—TOWNSHIPS MURRAY AND BRIGHTON, ONT.

Assistant Chief Commissioner SCOTT:

By order No. 18447 of the 30th December, 1912, the Board authorized certain diversions in the Kingston road and the construction of an overhead crossing in substitution for a number of level crossings, over the tracks of the Grand Trunk Railway Company and the Campbellford, Lake Ontario and Western Railway Company, which were to be closed. By the rearrangement, Mr. Francis Bush and a few farmers living south of

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him are cut off from access to the Kingston road, except by going some distance east to where the diverted road joins the old road by an overhead bridge. This causes considerable inconvenience to Mr. Bush by his being removed from the rural mail delivery route, and by the inconvenience caused him when he desires to go west on the Kingston road.

An application was heard by the Board at a sitting in Toronto on the 26th January last for some amendment to the original scheme for the relief of Mr. Bush. At that hearing judgment was reserved. On the 9th instant, Commissioners McLean, Goodeve and myself had an opportunity of viewing the location of the different highways on the ground and hearing a deputation of those affected by the closing of the highways referred to in the order.

The general scheme for the elimination of the grade crossings in this matter will be of much benefit to those travelling the Kingston road, as several dangerous grade crossings are eliminated. It seems to me, however, that without militating from the benefit of the new arrangement, that Mr. Bush's difficulties might be overcome by giving him a crossing in the nature of a farm crossing, from a point opposite his house on the south side of the C.L.O. & W. to the new Kingston road on the north side of the Grand Trunk tracks. This crossing to be at right angles to the railway tracks and to be shut off from the highways both on the north and the south by gates, which Mr. Bush would be obliged to keep closed. In fact the crossing to be a farm crossing subject to all the provisions of the Railway Act respecting farm crossings.

In my judgment an order should issue amending the original order, by providing for a farm crossing as described.

March 10, 1914.

Mr. Commissioner McLEAN:

As set out in the reasons for judgment of the Assistant Chief Commissioner, certain diversions were authorized by the Board after investigation of the dangerous situation arising from the proximity of the tracks of the Grand Trunk and Campbellford, Lake Ontario and Western Railway Companies to the highway. The diversions and the work connected therewith, including the construction of the overhead bridge, cost approximately \$24,000. The great bulk of this was borne by the railway. The applicant, Francis Bush, desires to have what is known as "the Bush road" left open across the tracks, and he is supported in his application by the municipality. The Bush road is a dangerous skew crossing; and, aside from any question of what has been done in the way of diversions, there would be, I think, natural hesitation on the part of the Board if it were now for the first time being asked by the municipality to open up a crossing of this nature.

There is no question but that Mr. Bush is inconvenienced by his present situation; but, unfortunately for him, the matter cannot be looked at from the standpoint of one or a few isolated cases. The Board has to consider what is safest in the general interests of the people located through this section, in handling the highway traffic across the railways. There is no question but that it is in the public interest to have separation of grades wherever feasible, and where this is not feasible there should be elimination of dangerous skew crossings. There is, of course, an element of danger in connection with every level crossing, but a right angle-crossing lessens this element of danger. The diversions which involve the closing of the Bush road are a work for the general advantage, and the general advantage must prevail.

It is suggested by the Assistant Chief Commissioner that Mr. Bush should be given a crossing in the nature of a farm crossing, and that the obligations under section 255 should apply to this crossing. If the Bush road were to be opened even by means of the substituted crossing and to the limited extent suggested, this would do away with the advantage to the public of the overhead crossing already constructed. It would simply mean money had been unnecessarily expended. For the public, no matter how

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safe an overhead crossing may be, will, in the great majority of cases, take the risk of an existing level crossing in preference. But it may be said that the only question the Board has to consider is the substitution of the farm crossing for the hitherto existing highway crossing. It is true that it is proposed to place the burden of keeping the gates closed upon the applicant, Bush. Every one knows that at present notwithstanding the provisions of section 255, farm gates are in various instances left open during the winter. In the proposed method of dealing with the present application, the crossing gates would be concerned with the closing up of the means of access from the old Kingston road south of the Campbellford, Lake Ontario and Western Railway to the new Kingston road on the north side of the Grand Trunk tracks. If there is difficulty in having farm crossing gates kept closed in the winter time, where a farm crossing is concerned with a passage across the railway from one portion of the farm to another, there will be still greater difficulty in the present case. Unless after every snowstorm the farmer is prepared to clear away the snow around the gates, the gates will not be kept closed. Even if the farmer has the best intentions in the world, I am afraid that in such a case as this where the crossing is concerned not with affording a means to get his cattle from one section of his farm to another but simply with a private highway, in a great many cases the gates will be left open, regardless of the season. The result of this would be that at such times as the gates were left open, vehicular traffic, other than that of the one to whom the crossing is granted, would cross the highway.

One matter which weighs with a railway in connection with the separation of grades and the rectification of dangerous level crossings is the lessening of opportunity for accidents. This is in the interest of the public from the standpoint of saving life, as well as of lessening the hazards of travelling across railway tracks; it is in the interest of the railway from the standpoint of the liability which attaches to it in the case of accidents.

Where the farm crossing is used by the one for whom it is constructed, the railway must exercise due care in approaching it. The same obligation attaches where the crossing is used by the invitation of the one for whom it is constructed.—*Plester vs. Grand Trunk Ry. Co.*, 32 O.R., 55.

What the liability may be in the case of a trespasser is apparently somewhat uncertain. It has indeed been decided that where a man was killed on a portion of the right of way where for a number of years the public had been allowed to walk along in order to reach the nearest highway, he was none the less a trespasser, and the railway was not liable.—*Grand Trunk Ry. Co. of Canada v. J. R. Anderson and Jessie Anderson*, 28 S.C.R. 541.

It has also been decided that a trespasser or bare licensee injured through negligence may maintain an action.—*Julius G. Sievert v. Samuel D. Brookfield*, 35 S.C.R., 494.

It is true that the latter case was concerned with private premises, not with railway right of way dedicated to a public use.

I am of opinion, therefore, that in the present instance, notwithstanding the admitted inconvenience to the applicant of the detour which he must make, that his personal convenience must give way to the question of the general safety of the people along this section of the two railways concerned. The diversion and the works connected with it seem to be proper and reasonable. They were carefully considered before the order issued in the first instance; and I do not think they should be departed from in respect of opening up a way for vehicular traffic at the point in question.

Aside from the question of vehicular traffic, it is stated the applicant will be inconvenienced in regard to the rural mail delivery service. The road followed by the mail carrier will take him to the north of the applicant's house. This situation, I think,

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might be taken care of by allowing applicant to have a stile or steps placed in the right of way fence on both sides of the tracks so that he can walk across the tracks and obtain his mail from the mail box north of the tracks.

Commissioner Goodeve concurred.

March 16, 1914.

YARD LIMIT BOARDS.

In the matter of the consideration of yard limit boards in connection with railway companies subject to the jurisdiction of the Board.

This matter was heard at the sittings of the Board held in Winnipeg, May 30, 1913, and the following judgment made:—

Chief Commissioner DRAYTON:

As stated by me at the hearing, I am still of the view that special rule "F" of the Canadian Pacific Railway Company is in conflict with rules approved by the Board. Uniformity of practice is an essential. What the Canadian Pacific Railway Company has found to be good practice in the East, as admitted by the company, may properly be adopted in the West.

Therefore, I think an order should go directing the company to withdraw its special rule "F", applying to western lines and hereafter observe the uniform rules of the Board regarding yard limits.

Messrs. Commissioners Mills and Goodeve concurred.

Ordered accordingly.

July 29, 1913.

RE NORTH TORONTO TELEPHONE RATES.

Heard in Toronto, February 7, 1913.

Assistant Chief Commissioner SCOTT:

This is an application by the city of Toronto to have the Toronto Telephone rates of \$50 for business, and \$30 for residence telephones, per annum, apply to North Toronto and Moore Park, two districts which have recently been annexed to the city of Toronto.

Moore Park, being near Deer Park and Rosedale, two parts of Toronto which enjoyed the Toronto rate and being substantially similar in circumstances and conditions to those sections is entitled to the Toronto rate; and at the hearing this was admitted by the company. Moore Park therefore may not be considered further in this matter.

The North Toronto rate is fixed by supplement No. 10 to the Bell Telephone Company's schedule of rates authorized at Toronto exchange dated May 1, 1911, and filed with this Board as C.R.C. No. 1708. That tariff, which provides the flat rate per annum of \$50 for business and \$30 for residence telephones states that, these charges are to "apply to subscribers stations situated within Toronto exchange limits, which are the limits of the city of Toronto as of date January 1, 1911," with extra mileage at the rate of \$5 per quarter mile or fraction thereof to be computed from a point three-quarters of a mile distant from the nearest exchange.

The nearest exchange to North Toronto is the North exchange, near the corner of Yonge and Bismark streets. This exchange is one and three-quarter miles south of the southern boundary of North Toronto, so that under the tariff a person residing within North Toronto, but a few feet north of its southern boundary, must pay an extra mileage of \$20. That is, the company allows, a free area of three-quarters of a mile from its exchange before commencing its extra mileage of \$5 per one-quarter of a mile.

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This free area of the first three-quarters of a mile in extra mileage was brought about by a decision of the late Chief Commissioner, Judge Mabec, at the hearing of an application of the town of North Toronto of the same nature as the present application, which was heard by the Board in Toronto on April 26, 1911. At that time, the late Chief Commissioner, recognizing that the circumstances and conditions affecting telephone service in the town of North Toronto were dissimilar from those in the city, refused the town's application; but, decided that as the average mileage of wire for a city of Toronto telephone was three-quarters of a mile, that a free allowance equal to this average mileage (i.e. three-quarters of a mile) should be allowed before the point from which extra mileage was to be charged should be reached.

Now, what has happened since Judge Mabec's decision to warrant this Board in taking a different view of the matter from what it took at that time? There has been no change in so far as the exchange is concerned. The people having telephones in North Toronto, were then and are still connected with the North exchange of the city of Toronto. At that time there were 157 telephones, and now there are 273 telephones in North Toronto—an increase of 116. The population is 6,300. I do not know what it was at the time of the hearing in April 1911, but of course, it has no doubt, increased considerably since then.

The chief ground upon which this application is urged is the fact that North Toronto is now within the city limits. Unless there was something in the language of the tariff to compel the company to apply the Toronto rate, from time to time, to any district that was annexed to the city, I do not see that the mere annexation of North Toronto to the city would warrant this Board in making the order applied for. It will be observed that in fixing the Toronto Exchange territory, the company took as its limits the limits of the city of Toronto, as of the date January 1, 1911, and therefore its exchange limits being fixed by the limits of the city on that date, the territory subsequently annexed would not, *ipso facto*, become entitled to the benefit of the Toronto flat rates.

The law provides that, all tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate. From the evidence submitted to us, and from an examination of the North Toronto district and other districts of the city of Toronto, I am forced to come to the conclusion that the circumstances and conditions affecting telephone service in North Toronto are not similar to the circumstances and conditions existing within the Toronto Exchange limits.

The city urged at the hearing that the circumstances and conditions in North Toronto were similar to those in West Toronto. I do not think they are. North Toronto is almost entirely a residential section. The inhabited portions of it constitute a long narrow area following the lines of Yonge street. The people who live in North Toronto have their places of business, or are employed in the portion of the city of Toronto south of the southern boundary of North Toronto. There are few shops or commercial industries within its limits; whereas, West Toronto before its annexation to the city was a town of considerable size and might have existed anywhere in the province irrespective of the fact that it was adjacent to the city of Toronto. West Toronto had a number of large manufacturing concerns. There were a number of doctors, lawyers, banks, retail establishments containing all lines of articles required for household consumption, places of amusement and recreation, etc., within its limits. At the time of its annexation to Toronto, West Toronto had a telephone exchange of its own, with rates for local calls lower than the rates existing in the city of Toronto.

At the time of the annexation of West Toronto to the city, when the Board decided that Toronto rates should apply and that the extra toll for calls from West Toronto to the city should be abolished, some of those having telephones in West Toronto protested that they did not wish to have the city of Toronto rates apply. The circumstances and conditions respecting telephone service in North Toronto

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to-day are, I think, quite dissimilar from those existing in West Toronto at the time of its annexation, and the subsequent bringing into effect of the city of Toronto flat rate in West Toronto.

A comparison with the eastern portion of Toronto served by the Beach exchange was also submitted to the Board. The circumstances and conditions affecting subscribers on the Beach exchange are not similar to those in North Toronto. The area served by the Beach exchange is a little less than that of North Toronto; but, the population is 24,000 as against 6,300, and the number of telephones 1,446 as compared with 273. The Beach district has its own exchange, and North Toronto has not. In my opinion there has not yet been sufficient development in North Toronto to warrant the Board in deciding that it is entitled to the city flat rate.

In the case of the Montreal telephone rates which we had before us some months ago, the Board came to the conclusion that mileage should only commence to be computed from the exchange limits within which a flat rate applied. This principle being applied to this case would have the effect of reducing the rate to be paid by any single line subscriber in North Toronto by \$20; because the extra mileage would only commence at what was the city limits on January 1, 1911, instead of a point three-quarters of a mile from the North exchange, which is provided by the tariff at present in effect.

I therefore think an order should go that the company forthwith file a new tariff, to become effective on the 1st April next, providing that extra mileage for North Toronto was only to be computed from the limits of its Toronto exchange; that is, what were the city limits on January 1, 1911, and that Moore Park was to be given the Toronto flat rates.

In disposing of this matter in this way, the Board is not to be taken as declaring that the company's charge of \$5 per quarter of a mile as extra mileage is a reasonable charge. The question whether this rate is a reasonable or an unreasonable one, was not discussed in this case nor were we given any evidence to warrant us in coming to any conclusion about it. We have this question before us, and if at any future time we came to the conclusion that \$5 per quarter mile is an excessive charge for extra mileage, it would of course apply in this case.

In this memorandum, I have not dealt with the question of party lines. These are proportionally lower than the one-party line rates, and there is no question of principle affecting them which would not be governed by the decision of the Board on the one party line rates which I have been discussing.

Commissioner Goodeve concurred.

Ordered accordingly.

March 8, 1913.

RE MEDICO-CHIRURGICAL SOCIETY OF MONTREAL VS. BELL TELEPHONE CO.

Oral judgment delivered by Assistant Chief Commissioner Scott, at the close of the hearing, January 5, 1914:

In the city of Montreal there are three telephone rates: a residence rate of \$35 per annum; a special doctor's rate of \$40 per annum; and a business rate of \$55 per annum.

It is the desire of the Bell Telephone Company to take out the \$40 rate for doctors and to charge them a business rate of \$55 in future. A protest has been made by the Medical Society against this change.

The Board has already dealt with a somewhat similar case in the case of Bayly against the Bell Telephone Company. Miss Bayly was a trained nurse in the city of Toronto, and her telephone rate was increased from the residence to the business rate. She protested to the Board, and after hearing everybody concerned the Board decided—

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the judgment being delivered by the late Chief Commissioner Mabey—that her telephone being used sometimes for business purposes was a business telephone, and the telephone company was justified in charging a business rate.

We think that the principle laid down by the late Chief Commissioner in the Bayly case applies in this case, and, therefore, we will not interfere with the intention of the telephone company to increase the doctor's rate from the \$40 to the \$55 charge.

The volume of calls would not be a fair criterion. If that were to be the basis it would be very difficult to decide what the rate should be. It is quite proper that there should be two rates, the business rate and the residence rate, and, following the decision which the Board has arrived at in similar cases, this application is refused.

Re BELL TELEPHONE RATES IN NORTH TORONTO.

Assistant Chief Commissioner SCOTT:

In an application, dated the 5th of December last, the city of Toronto applied for a rehearing of this matter. It had been heard by the Board at a sitting in Toronto on February 7, 1913; and, for reasons given in a judgment of mine, dated March 8, 1913, the board decided that the circumstances and conditions respecting telephone service in North Toronto were not substantially similar to the circumstances and conditions respecting telephone service in the city of Toronto, and that the city of Toronto rate should not be extended to North Toronto.

The following paragraph appears in my judgment:—

“The law provides that all tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate. From the evidence submitted to us, and from an examination of the North Toronto district and other districts of the city of Toronto, I am forced to come to the conclusion that the circumstances and conditions affecting telephone service in North Toronto are not similar to the circumstances and conditions existing within the Toronto Exchange limits.”

At a sitting of the Board in Toronto on January 27, 1914, the city's application was heard. It was pointed out by the chairman to counsel for the applicants, that as this matter having been disposed of by the Board some months previously, we would only now deal with any new evidence which the city has to submit. The new evidence submitted was as follows:—

1. An increase in the population of North Toronto from 6,300 to 7,500.
2. An increase in the number of telephones in North Toronto from 273 to 439.
3. A change in the centre of population in Toronto eastward. The centre now being some distance south of the corner of Spadina and Bloor streets.
4. A general statement was made by counsel for the applicants that business was growing in North Toronto and that there were now 175 places of business there. This statement was not elaborated and no detailed evidence of the character of these places of business was given.
5. That since this matter was last before the Board, the Post Office Department was now making special deliveries in North Toronto.
6. That a new exchange was to be opened to be called “Hillcrest.”

It was to be on St. Clair avenue, south of Bathurst.

It seems to me that this new evidence is not sufficient to warrant the Board in coming to any other conclusion than that arrived at in March, 1913. To my mind the strongest reasons mentioned by the applicants for the extension of the Toronto rate to North Toronto was that the places of business had increased in North Toronto; but as I have said, no detailed evidence was given in support of this, and it was somewhat contradicted by a statement made by counsel for the applicants when he said that each of the telephones in North Toronto was paid for by a man who was doing business in Toronto who paid for a telephone there.

The population of North Toronto has grown, but the acreage of North Toronto is greater than the portion of Toronto served by the Beach exchange; yet the latter has a population of 24,000. The new Hillcrest exchange will be too far away from North Toronto to be of any service. That exchange will open with from three to four thousand subscribers. The south boundary of North Toronto is one and three-quarter miles away from the North office which is the nearest exchange.

To be entitled to the Toronto rate, the circumstances and conditions of the telephone business in North Toronto should be such as to warrant the establishment of a new exchange. This exchange the company says would cost \$170,000. The land we are told has already been selected for it. The telephone business in North Toronto is not yet sufficiently large to warrant the Board in ordering the Bell Company to at once go to the expense of establishing a new exchange.

Since the hearing, however, we have had some negotiations with the company, and we are now advised that the company will this year commence the construction of a new exchange to serve North Toronto. While I think the present application should be refused, the petitioners have the satisfaction of knowing that the new exchange is to be gone on with, and that in 1915, when it is completed North Toronto will be in the position to get the benefit of the Toronto rate.

Chief Commissioner Drayton concurred.

March 26, 1914.

RE CONSUL-GENERAL OF JAPAN VS. CANADIAN TELEGRAPH COMPANIES.

The Consul-General of Japan applied to the Board for an order requiring telegraph companies subject to its jurisdiction to transmit telegrams in plain Japanese language (Roman letters) at single count, in the same manner and at the same rate as they transmit telegrams in French, German and the other so-called plain languages authorized by international telegraph conventions relating thereto.

Mr. Commissioner MILLS:

In the year 1875, a number of empires, kingdoms, republics, states, confederations, principalities, etc.—all spoken of as “States”—held an International Telegraph Convention in St. Petersburg. This convention agreed upon certain principles, which it enunciated in the form of twenty-one articles; and, on these articles, as a foundation for action, it formulated, in much detail, what it considered necessary regulations affecting international telegraph service, referred to as international telegraph service regulations.

A central office for the administration of the service, called the International Bureau of the Telegraph Union, was established at Berne, Switzerland, and placed in charge of the Swiss Confederation.

The last convention was held at Lisbon, Portugal, in the year 1908; and the regulations as modified and extended at that convention are spoken of as international telegraph service regulations (Lisbon Revision, 1908).

At the conclusion of the Lisbon Convention, there were fifty states, High Contracting Parties in the Telegraph Union, grouped in six classes, with a view to an equitable division of the expenses of the service, each state contributing in the proportion of a certain number of units:

1st class.	25 units.
2nd “	20 “
3rd “	15 “
4th “	10 “
5th “	5 “
6th “	3 “

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I notice that Japan is in the first group, and pays the same proportion as Great Britain, Germany, France and other great powers.

In the International Telegraph Service Regulations (Lisbon Revision, 1908), the expressions "plain language," "code language," and "cipher language" are defined as follows:—

Plain language—

"Plain language is that which offers an intelligible sense in one or more of the languages authorized for international telegraphic correspondence."—Reg. VII, paragraph 1.

"Each administration notifies, amongst the languages used in the territories of the State to which it belongs those which it authorizes for employment in international telegraphic correspondence in plain language. The use of Latin is also authorized."—Reg. VII, paragraph 3.

Code language—

"Code language is that which is composed of words not forming intelligible phrases in one or more of the languages authorized for telegraphic correspondence in plain language."—Reg. VIII, paragraph 1.

"The words, whether genuine or artificial must be formed of syllables capable of pronunciation according to the current usage of one of the following languages: German, English, Spanish, French, Dutch, Italian, Portuguese, or Latin."—Reg. VIII, paragraph 2.

"Words in code language must not be longer than ten characters according to the Morse alphabet, the combinations, ae, aa, ao, oe, ue, being counted as letters each. The combination eh is also counted as two letters in artificial words."—Reg. VIII, paragraph 3.

Cipher language—

"1. Cipher language is that which is formed—

The text of telegrams may be in plain or secret language, the latter being a secret meaning, or letters, (excluding the accented letters ä, á, â, é, ê, ö, ü), groups or series of letters having a secret meaning;

"2nd. Of words, names expressions, or combinations of letters not fulfilling the conditions of plain language (Reg. VII) or of code language (Reg. VII)."

"2. The mixture, in one group, of figures and letters having a secret meaning is not admitted."—Reg. IX.

The text of telegrams may be in plain or secret language, the latter being subdivided into code and cipher language. Each of these languages may be employed alone or conjointly with the others in the same telegram.

"All the Administrations admit, in all their relations, telegrams in plain language. They may decline to forward or to receive for delivery private telegrams composed either wholly or in part in secret language; but they must allow these telegrams to pass in transit, unless the service be suspended as defined in Article 8 of the Act of the St. Petersburg Convention."—Reg. VII, paragraphs 1 and 2.

Plain language count—

"In telegrams in which the text is written entirely in plain language, each ordinary word and each authorized compound are counted respectively at the rate of one word for each fifteen characters, according to the Morse alphabet, plus one word for the excess, if any."—Reg. XIX, paragraph 3.

Code language count—

"In code language the maximum length of a word is fixed at ten characters counted according to the prescriptions of Reg. VIII, paragraph 3," as above.—Reg. XIX, paragraph 4.

Cipher count—

"Groups of figures or of letters, commercial marks composed of figures and letters, are counted at the rate of one word for each five figures or letters which they contain, plus one word for any excess. Each of the combinations ae, aa, ao, oo, ue, and ch is counted as two letters."—Reg. XIX, paragraph 7.

Telegrams in Plain Language.

Under these regulations, "all the administrations admit, in 'all their relations, telegrams in plain language,' for transmission by both land and cable lines, each administration having been given notice as to the language or languages which it authorizes for employment in international telegraphic correspondence in plain language." Administrations may decline to transmit or to receive for delivery, private telegrams composed wholly or partly of secret language; but none of them ever refuses to transmit or to receive for delivery, on the terms of plain-language count, messages written in any plain language authorized by one of the High Contracting Parties. So, it is manifest that Japanese is one of the languages herein referred to (Regulations VI and VII)—being in exactly the same position as the English language.

Telegrams in Code Language.

There are certain restrictions in the case of code telegrams. The decision of the last Convention—that held at Lisbon in 1908—was, that in code language "the words, whether genuine or artificial, must be formed of syllables capable of pronunciation according to 'the current usage of one of the following languages: German, English, Spanish, French, Dutch, Italian, Portuguese, or Latin.'" Regulation VIII.

The words, "whether genuine or artificial," in the preceding paragraph, clearly show what the decision was,—not that code telegrams may be sent only in words of one of the eight languages named, but in words of any language, or no language, provided, "Whether genuine or artificial," they are "formed of syllables capable of pronunciation according to the current usage of one" of the languages referred to.

Therefore, I think there can be no doubt that, in international telegraphic correspondence, code messages consisting of Japanese words written in Roman letters and formed of syllables capable "of pronunciation according to the current usage of" the English language, must be transmitted, code-language count, on the same terms and conditions as code messages composed of English words.

Cable Companies.

The cable companies transmit telegrams in the Japanese language, according to the plain-language and code-language rules; our land line companies, like other land line companies on both sides of the Atlantic, perform their part of the service in the transmission of international cable message in Japanese, according to the plain-language and code-language rules; and they formerly applied the same rules to ordinary inland, or domestic messages—messages between points in Canada and from points in Canada to points in the United States; but they finally decided to apply the cipher count (one word for each five letters or characters, plus one word for any excess) to all messages in Japanese between points on this side of the Atlantic. This practice, it appears, is generally followed in the United States also, although Mr. Newcombe Carlton, Vice-President of the Western Union Telegraph Company, made the following statement in a letter dated June 7, 1912:—

"I beg to say, on behalf of the Western Union Telegraph Company, that there is no objection to the use of the Japanese language or of any other language which can be expressed in Roman letters in telegrams; but that on account of the difficulty with which Japanese words are transmitted and their

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frequent excessive length as compared with the English language, on the general use of which our schedule of tariffs is predicated,—we find it necessary to count the same, as many other foreign languages are counted, at the rate of five letters or fraction of five letters to the word."

Allegation of Telegraph Companies.

At the hearing of this case, two reasons were given for the change, from both the plain-language count and the code-language count, to the cipher count in the case of domestic, or inland messages in the Japanese language:

1st. That dishonesty was frequently practised in plain-language messages, by combining four or five words, writing the combination as one word, and thus defrauding the telegraph companies; and that, in code messages, the words were studiously combined or formed so as to avoid the use of any but words of the uniform length of ten letters (the maximum allowed by code-language count) thus violating the spirit of the rule and imposing on the telegraph companies.

2nd. That operators, who generally understand only their own language, find great difficulty in deciphering Japanese telegrams, so as to be sure that none but ordinary words and compounds authorized by the current usage of the Japanese language, are used.

Fraudulent Telegrams.

Provision was made by the International Convention in St. Petersburg for dealing with cases of dishonesty in the construction of telegrams for international transmission; and I think a like method, or some swifter and more effective procedure, should be adopted in the case of fraudulent inland messages—messages between points in Canada and from points in Canada to points in the United States. Note the following statements:—

"Combinations or alterations of words contrary to the usage of the languages are not admitted; the same applies to combinations or alterations dissimulated by means of reversal of the order of letters or syllables.

"The counting of the office of origin is decisive, both for purposes of transmission and of the international accounts. Nevertheless, when a telegram contains combinations or alterations of words of one of the languages of the country of destination or of a language other than those of the country of origin, contrary to the usage of such language, the office of destination has the right to recover from the addresses the amount of charge not collected. If this right is exercised, the telegram is delivered to the addresses only on payment of the short-charge. In case of refusal to pay, a service advice is addressed to the office of origin. If the sender, duly notified of the reason for non-delivery, agrees to pay the excess, a service advice is addressed to the delivery office; and, on receipt of this service advice, the office of destination delivers the telegram.

"When the administration of origin discovers, after the charge has been collected, that a telegram contains either inadmissible combinations or alterations of words, or expressions of words which, although not fulfilling the conditions of plain or code language, have been charged for as belonging to these languages, it applies to these expressions or words, for the calculation of the short-charge to be recovered from the sender, the rules to which they should have been respectively subjected. The combination or alterations are counted in accordance with the number of words which they would contain, if they were written in the usual manner."

"The administration of origin acts in the same way when irregularities are pointed out to it by a transit administration or by the administration of destination."—Regulation XIX, paragraphs 8, 9, 10.

Ordinary Telegraph Operators.

No doubt the ordinary telegraph operator who understands only the English language, would find great difficulty in deciding off-hand whether the words in a Japanese telegram though written in Roman letters and formed of syllables capable of pronunciation according to the current usage of the English language, were all ordinary Japanese words and compounds authorized by the current usage of the Japanese language. In fact he could not then and there settle any such question. No more could he do so in the case of a German, Dutch or Latin telegram. He would simply have to insist on its being plainly written in Roman letters, and transmit it, with the understanding that, if it was afterwards found to contain any word or combination of words not authorized by the current usage of the language in question, the sender would have to pay the shortage in charge, and would be liable to prosecution for fraud.

Further, it should be noticed that the said operator would have not greater difficulty in deciphering domestic messages, say, messages from Ottawa to Vancouver, than he has now in deciphering transcontinental cable messages—from Ottawa to Tokio, for example—which are regularly transmitted according to both plain language and code-language count.

Official Vocabulary.

It was further stated by the telegraph companies that an official vocabulary, or dictionary, containing in alphabetical order, all—or nearly all—the words in the eight languages enumerated in the definition of code language, assist operators in deciphering telegrams in these eight languages, while they had no such means of checking improper combinations and evasions in the Japanese language, and a large number of other languages in the list approved by the High Contracting Parties.

Speaking for the Japanese, I may say that I have before me a very good Japanese-English dictionary by I. Nitobe and J. Takakusu. The fifth edition of this dictionary was published in 1907, and it costs \$1.50 in this country. In it, I find Japanese words clearly expressed in Roman letters, as distinct and easily pronounced and read as ordinary English words; and it appears that, on the average, Japanese words are not nearly so long as average words in German, which abounds in long compounds, such as we find in scarcely any other language.

English Telegrams in Japan.

Englishmen in Japan can send messages in plain English words and in code language, between points in Japan, respectively, according to plain-language and code-language count; and I think the Canadian telegraph companies have failed to justify their action in refusing the people of the Japanese Empire like privileges in this country.

Conclusion.

Hence, on the evidence and argument considered in connection with the facts and circumstances stated above, my opinion is, that the application in this case should be granted—that all telegraph companies subject to the jurisdiction of the board should be required and directed as follows:—

(1) To transmit and to receive for delivery, at plain-language count, Japanese telegrams from point to point in Canada and between points in Canada and points in the United States of America, when the said telegrams are composed of plain Japanese words written in Roman letters and authorized by the current usage of the Japanese language.

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(2) To transmit and to receive for delivery, from and between the said points, Japanese code telegrams, at code-language count, when the words of the said telegrams "whether genuine or artificial" are written in Roman letters and formed of syllables capable of pronunciation according to the current usage of the English language, as in the case of code messages in English.

This, as above, would be my judgment; but, since the hearing of his application, the Consul General of Japan, admitting that his country has not yet provided a Japanese-English dictionary so comprehensive and satisfactory as the Official Vocabulary used in deciphering telegrams in the eight languages referred to above, has expressed his willingness to concur in and abide by an order directing all telegraph companies subject to the jurisdiction of the Board, to transmit and to receive for delivery, both plain-language and code-language Japanese telegrams, at code-language count (maximum ten letters per word) between points in Canada, and on the Canadian portion of the service in, and in connection with, the transmission and receipt of such telegrams to and from inland points outside of Canada, until such time as a sufficiently comprehensive dictionary (including the Japanese language) is prepared and approved—it being understood that code words of more than ten letters must be counted and charged at cipher rate, namely five letters to the word, but genuine words of more than ten letters may be used in their ordinary sense in a code message or in a plain-language message, and, in such case, shall be counted at the rate of ten letters to a word; plain-language telegrams to be composed of plain Japanese words written in Roman letters and authorized by the current usage of the Japanese language; and code-language telegrams to be constructed of words, "whether genuine or artificial" written in Roman letters and formed of syllables capable of pronunciation according to the current usage of the English language.

So, I recommend that an order go as per the consent of the Consul General.

Ordered accordingly.

March 25, 1913.

RE GREAT NORTHERN RAILWAY.

Chief Commissioner DRYDEN:

This is a complaint of the Iron Mountain, Limited, the Hudson Bay Mine, and Queen Mines, of Salmo, B.C., complaining (1) of the neglect of the Great Northern Railway Company to supply box cars for the handling of ore; (2) the insufficiency of rolling stock of the said railway company; and (3) excessive freight rates.

The case came on for hearing at Nelson, B.C., and opportunity was given to the parties to amplify by correspondence the admissions then made.

1. The mine owners, in September last, were unable to get cars of any description for loading ore. The railway company had, for some years past, been supplying cars for ore shipments to the Trail Smelter; but, on the 19th September, the railway company's agent at Salmo stated that instructions had been received from Mr. Doyle the superintendent at Marcus, not to supply any more Great Northern cars for ore shipments.

The company's answer to the complaint made by the mine owners was to the effect that its box cars were badly needed to handle grain, and that it had arranged with the Canadian Pacific Railway Company to furnish cars for ore shipments from Salmo to Trail.

The mining companies claim that there are no facilities for loading the ore in dumps; that carbonates will not run in a chute; that the only means of handling ore is with shovels; and that their ore is a carbonate of lead of comparatively low value (some \$24.54 per ton) which absorbs moisture readily, with the result that, if shipped in open dump cars, the freight rate on the extra weight due to moisture, either in wet weather or winter time, would be high enough to prohibit any shipping at all; and that, for these reasons, box cars must be supplied, or their industry will be ruined.

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At the hearing, the railway company's answer was that all its box cars were required to move grain, and that ore cars are constructed on purpose to move ore and should be used by miners, such equipment being set aside for that purpose.

No answer is made by the company to the complainant's allegation as to the character of the ore and the result of exposure to moisture, except a statement that the miners themselves are not careful in keeping their ore dry.

It is apparent from the record that box cars have been supplied for ore traffic for the last seven years; and the shipper should have something to say regarding the equipment necessary for the purposes of his business. No hardship results to the railway company. All railway companies have on hand a greater or less number of box cars that are unfit for the handling of grain and are used for handling such commodities as lumber, coal, etc. Box cars are, I find, suitable,—in many cases necessary—for this traffic, and they must be supplied to the mining companies where requested.

2. On the question as to sufficiency of rolling stock, Mr. Fortier, who appeared with Mr. Doyle for the railway company, on being asked as to the total number of Great Northern box cars available in Canada, stated that he had not the data, but that there were only eight or ten such cars on which duty was paid. He did not think that there were over a dozen on the Nelson and Fort Sheppard line, and that they were built only for the merchandise business in Canada, there being no grain traffic and but little hay; and, when asked a further question, he said that the box cars the railway company had used for the mines, came from the American side. The position was then stated as follows: "You see, on your showing, any efforts you make to look after the Canadian traffic requiring box cars, are entirely incidental to your movement of American freight?" His answer was: "We have had so little business on this side." Mr. Doyle further stated that duty had been paid on 150 or 200 open steel cars.

On the 11th December, subsequent to the hearing, Mr. Doyle, on looking further into his statistics, wrote that the company had 48 duty-paid box cars and 200 steel ore cars; and Mr. Haydon, the company's Ottawa representative, now states that the Great Northern has some 600 cars on which duty has been paid in Canada, and which are assigned as much as possible to Canadian traffic. These cars, however, cover service on the Vancouver, Victoria and Eastern Railway, the Brandon, Saskatchewan and Hudson Bay Railway, the Red Mountain Railway, the Manitoba Great Northern Railway, the Midland Railway of Manitoba, the Kootenay Valley Railway, and the Bedlington and Nelson Railway, as well as the Nelson and Fort Sheppard Railway. Mr. Haydon states that as a result of an interview with the Customs Department, it may be possible that the railway company will ear-mark the duty paid cars for use in Canada, allowing the general equipment of the road to move freely in and out for international business; or that the company may assign certain cars for the Canadian lines, which under Customs' arrangements may be allowed, with international cars, to move freely in and out of the country.

I do not think that any particular identified cars should be held exclusively for Canadian business. Reasonable facilities should be given to shippers on the lines of the company wherever they are situated. It would be absurd to say that cars numbered 1 to 600, for example, should be kept in Canada for Canadian business. Such a practice would have an injurious effect on international traffic; and it is not necessary. The proper practice is for the company to supply the equipment necessary for the handling of traffic from Canada as well as in Canada; and such practice entails, to the extent of international traffic, the common use of a portion of the equipment provided for United States traffic.

The chief operating officer of the Board, after carefully going over the annual reports of the different lines of railway controlled by the Great Northern Railway Company, reports that, at least, one thousand cars are necessary for the handling of Canadian traffic at the present time; but, owing to the difficulty of segregating any given number of cars, it is probably at present necessary simply to say that this com-

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pany has failed to provide adequate facilities for its Canadian traffic; that it must so provide; and that the Canadian business must not any longer depend on the accident as to whether or not there are box cars from the United States waiting to be unloaded and returned. The company must provide cars for business originating on its lines in Canada. Whether the cars belong to the company or are supplied by other railways, is a matter of indifference to the shipper. The responsibility rests on the company on whose lines the traffic originates.

I may add that the Board's operating officer will make an inspection of the company's traffic and facilities within six months from this date in order to ascertain whether the Board's directions have been carried out.

3. The question of freight rates will not be disposed of until the work of collecting further data is completed.

Mr. Commissioner McLean concurred.

March 7, 1913.

THE RATES ON BAR IRON, LONDON TO BLIND RIVER, ONT.

Mr. Commissioner McLEAN:

This complaint is directed against the Grand Trunk Railway and its connecting water carrier, the Northern Navigation Company, and against the Canadian Pacific railway and its connecting water carrier, the Dominion Transportation Company. It is alleged that these lines of carriage are discriminating against Blind River and other towns on the north shore of lake Huron. Blind River is the only one from which complaint has been received.

It is stated that a rate of 19½ cents per 100 pounds on bar iron, in carload lots for shipment from London, Ont., via either Owen Sound or Collingwood is charged to Sault Ste. Marie, Ont., while at the same time a rate of 25 cents per 100 pounds carloads, is charged on the same commodity to Blind River, although Sault Ste. Marie is 70 miles farther on. It is stated, further, that the boats carrying those commodities to Sault Ste. Marie stop regularly at Blind River. The difference in rate practice complained of is stated to be a gross discrimination in favour of the larger towns.

The position of the Blind River Board of Trade is supported by the London Rolling Mills Company, of London, Canada, which desires that the rates to Sault Ste. Marie, Ont., and Fort William should be made a maximum to Blind River and other north shore ports.

It is necessary to set out first a brief statement of the rates in connection with this movement. The Grand Trunk railway tariff C.R.C.E.-1304, effective July 23, 1908, quoted a lake and rail rate of 25 cents fifth class, in which the commodity in question moves from stations in Group A, in which London is situated, to ports of call on lake Superior, as well as ports of call on lake Huron and Georgian bay. This rate, therefore, covered Fort William, Sault Ste. Marie, Ont., Blind River, and the various other ports of call on the Georgian bay and lake Huron. It may be noted in passing that the same tariff quoted a commodity rate on iron and steel articles, including therein bar iron from Montreal and stations west to Fort William and Port Arthur, of 25 cents, this rate being applicable on traffic destined beyond. By Supplement 5 to G.T.R. tariff E-1304, effective to Canadian points, April 12, 1909, a 19½-cent rate on bar iron and other iron and steel commodities was quoted to Fort William, West Port, Port Arthur and Duluth. By Supplement 9 to same tariff, effective May 15, 1909, a 19½-cent rate on iron and steel articles, including bar iron, was specifically quoted to Sault Ste. Marie, Ont. By Supplement 10 to the same tariff, effective June 24, 1909, the 19½-cent rate to Sault Ste. Marie, Ont., was taken out. During the year 1910, it does not appear from the tariffs on file with the Board that there was any rate to Sault Ste. Marie, Ont., other than the

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25-cent rate, applicable to the fifth-class movements, lake and rail. The Grand Trunk tariff C.R.C.E.-2303 cancelling this C.R.C.E.-1304 and supplements thereto, effective on Canadian traffic to Lake Huron and Georgian Bay ports westbound, April 17, 1911, eastbound, April 21, 1911, and on traffic to Fort William and Port Arthur and West Fort, westbound, April 5, 1911, and eastbound, April 15, 1911, repeats the 25-cent rate fifth class; to ports of call on lakes Huron and Superior and Georgian bay, and also quotes a commodity rate of 19½ cents to Fort William, Port Arthur, West Fort and Duluth, and also to Sault Ste. Marie, Ont. This rate to Sault Ste. Marie, Ont., was exclusive of marine insurance across the lake and wharfage at Sault Ste. Marie. The rate of 19½ cents to Sault Ste. Marie, Ont., is repeated in various supplements to C.R.C.E.-2303. It is not necessary to recapitulate these; but the one which requires attention is Supplement 12, effective August 29, 1912, which provides that the 19½-cent rate to Sault Ste. Marie, Ont., will not apply to intermediate ports on the Georgian bay. There is also repeated here the same notation, viz., that the rate is exclusive of marine insurance across the lake and wharfage at Sault Ste. Marie, Ont.

The Canadian Pacific Railway tariff C.R.C.E.—1107, effective April 25th, 1908, quotes a 25 cent rate, fifth class to Lake Superior ports of call and Lake Huron and Georgian Bay ports of call. The C.P.R. tariff C.R.C.E.—1858, effective August 17th, 1910, repeats this rate; but there now appears a commodity rate of 19½ cents on iron and steel commodities, including bar iron, this rate being applicable to Fort William and Sault Ste. Marie, Ont. The railway's tariff C.R.C.E.—2324, effective June 1, 1912, repeats the 19½ cent rate; but there is now added a note that the rate to Sault Ste. Marie, Ont., will not apply to intermediate points on the Georgian bay.

The situation may be summarized by saying that a 19½ cent rate to Sault Ste. Marie, Ont., was in force by the Grand Trunk and its water connections for a short time during 1909; that it is not quoted in 1910; and that it again became effective in 1911. So far as the Canadian Pacific is concerned, this rate apparently became effective in 1910. None of these tariffs contained any statement setting out that the 19½-cent rate was applicable to Blind River, or indeed to any other Lake Huron or Georgian Bay ports east of Sault Ste. Marie.

The water carriers already referred to, the Northern Navigation Company and the Dominion Transportation Company, which participate with the railways in building up the through rate and route are not subject to the jurisdiction of the Board, since neither one of them is chartered, used, maintained or worked, by a railway subject to the jurisdiction of the Board. The question of jurisdiction need not, however, be gone into here, as it was not raised by the Northern Navigation Company which was represented at the hearing, and which stated through its representative that it desired to have the whole matter turn on the question of earnings.

There are in existence also all-water lines operating on the lakes. The Inland lines operate from Montreal, Toronto and Hamilton to Sault Ste. Marie, Ont., and Fort William. There are also the Canadian Lake line and Merchant's Mutual. These lines do not make joint rates with the railways, but they base on the same rates from the head of the lakes as the lake and rail lines do on traffic beyond.

The rates as between the Grand Trunk, for example, and its water connection divide on certain percentages.

To Blind River and other Georgian Bay ports, via Collingwood—

	Per cent.
From Toronto and Hamilton, Grand Trunk.	50
Steamship.	50
From Montreal, Grand Trunk.	65
Steamship.	35

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To Sault Ste. Marie, Ont., Port Arthur, and Fort William via Point Edward—

	Per cent
From London, Grand Trunk.	33½
Steamship.	66½
From Toronto, Grand Trunk.	42½
Steamship.	57½
From Montreal, Grand Trunk.	60
Steamship.	40

It was stated in evidence, on behalf of the Northern Navigation Company, that the cost of handling was much greater at Blind River than at Sault Ste. Marie, Ont., and that on account of lack of labour there were apt to be great delays in unloading such cargo as bar iron at that point. It was alleged on the other hand, that Sault Ste. Marie possessed greater facilities. These statements are traversed by the representatives of the Blind River Board of Trade, who states that on telegraphic notice there would be no difficulty in obtaining sufficient help for unloading purposes at Blind River at reasonable rates. A statement is also filed on behalf of the Northern Navigation Company.

STATEMENT OF EARNINGS AND EXPENSES—GEORGIAN BAY DIVISION.

	<i>Majestic.</i>		
	1910.	1911.	1912.
Earnings.	\$22,454 30	\$26,835 08	\$26,866 02
Expenses.	20,307 53	25,165 35	31,221 81
Profit.	\$2,146 77	\$1,669 73	Loss. \$4,355 79
	<i>Germanic.</i>		
	1910.	1911.	1912.
Earnings.	\$56,084 51	\$55,132 50	\$49,762 32
Expenses.	42,645 26	45,388 07	43,940 08
Profit.	\$13,439 25	\$9,744 43	\$5,822 24
	<i>Midland.</i>		
	1910.	1911.	1912.
Earnings.	\$47,601 67	\$46,006 46	\$38,362 85
Expenses.	40,375 96	42,121 58	40,775 26
Profit.	\$7,225 71	\$3,884 88	Loss. \$2,412 41

The object is to show that the profits on this business to Georgian Bay ports have been decreasing, and that the result in 1912 was a net loss. The Board is not informed just how these figures are made up. In view of the fact that this portion of the route is not subject to the Board's jurisdiction, it does not seem to me to be proper to build anything one way or the other upon these figures, or to attempt to develop anything from them by further analysis. The Board's jurisdiction is clearly limited to the rail portion of the movement. But if the Board found that there was unjustly discriminatory treatment, the fact that one portion of the route which was not subject to the Board's jurisdiction was carrying traffic at a loss, would not be in mind a conclusive answer in respect of the portion subject to the Board's jurisdiction.

The Grand Trunk has submitted a statement showing its local rates from different points to points where shipments are made to the water lines. From London, the local rate on bar iron to Collingwood is 17 cents. The railway on its 50 per cent division receives 12½ cents out of the 25 cent rate to Blind River. On the movement from London to Sault Ste. Marie, Ont., which goes via Point Edward, the local rate from London to Sarnia or Point Edward is 12 cents. The through rate is 19½ cents, of which the railway receives 6½ cents as its division.

The rate history which has been given draws attention to the fact that on this upper lake traffic there has for a period of years been considerable use of the system of

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blanketing. The rates beginning with 1908 show that from Sault Ste. Marie, Ont., to Fort William, there was a blanket of 25 cents, and that Blind River was covered by the blanket. The all-rail rate, fifth class, London to Sault Ste. Marie, Ont., is 35 cents, and Sault Ste. Marie is covered by the same blanket. In explanation of the 19½-cent rate, it is stated in evidence by the railways that this was forced upon them and their water connections by the independent all-water lines putting in a 17½-cent rate to Sault Ste. Marie, Ont., and Fort William. The rail carriers and their water connections met this by putting in a rate two cents higher, and in meeting this water competition they graded the rates from various inland points.

As respects the application of the 19½-cent rate to Blind River, the first question is, what is the wording of the tariff or tariffs? As has been pointed out, the 19½-cent rate when put in to Sault Ste. Marie, Ont., specifically mentioned Sault Ste. Marie and the other points to which it was applicable, no mention being made of Blind River or any other intermediate Georgian Bay ports. So far as the tariff goes, there is apparently no sanction for the 19½-cent rate to Blind River. Possibly the application of the 19½-cent rate to Blind River might be invoked on the ground that the practice whereby the longer distant points were given the lower rate was in violation of the long and short haul clause. It is stated by Mr. Braithwaite of the Blind River Board of Trade that during the season of 1911, the 19½-cent rate was applicable to Blind River. As I have stated, I find no tariff sanctioning this. I do not know how it was applied in practice (considering the way the tariff is worded) to this point. It may be that the agent or agents in quoting rates, having in mind the lake and rail blanket of 25 cents, as well as the all-rail blanket of 35 cents, assumed that the Sault Ste. Marie rate was a maximum to intermediate points. In the absence of any evidence how this rate was so applied, further conjecture is useless.

Both the Canadian Pacific and the Grand Trunk started out in the season of 1912 with no words in their tariff stating that a rate to Sault Ste. Marie, Ont., was inapplicable to intermediate points. What, if anything, is to be built on this and on their subsequent action?

A 17½-cent rate to Sault Ste. Marie and Fort William is applicable by all-water carriers which do not make the smaller intermediate Georgian Bay ports, and there is not the same competition of water carriers to intermediate ports as to points on the direct line to lake Superior.

The question as to whether the difference in treatment as between Blind River and Sault Ste. Marie, Ont., is an undue preference or unjust discrimination turns on the matter of water competition.

While the Railway Act has conferred a wide jurisdiction over railway rates upon the Board, it has not conferred jurisdiction over the rates of water carriers, except—

(1) In regard to port to port traffic between Canadian ports by sea or land or by inland water on vessels which the railway subject to the Board's jurisdiction "owns, charters, uses, maintains or works," and

(2) In the case of through traffic and through rates over a line of railway subject to the Board's jurisdiction, and a water carrier which such railway "owns, charters, uses, maintains or works."

Parliament in dealing with the regulation of railway rates, in the Railway Act, has recognized that the large investment of capital in a fixed form in railways and the special conditions attaching to railway business have limited the efficiency of the competitive principle in its application to rates. The legislation of Canada in regard to railways embodies in this respect the outcome of a gradual evolution. Experience has led the legislators of Canada to the same conclusions as have been arrived at in England and in the United States. But in the Railway Act, Parliament, by its general silence in regard to water transportation, has recognized that this stands on a different footing from railway transportation. It is safe to say that water transportation has been recog-

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nized as more highly competitive than railway transportation, and that it is on this account Parliament has not deemed it necessary to intervene here to hold the balance true between the shipper and the transportation agency. There has also been reliance on water transportation, as a regulative factor. The Railway Act has recognized by its silence what experience teaches. In the case of water competition, the expenditure of a sum of money which would be sufficient only to construct, say, six or seven miles of fully equipped railway track, creates a transportation carrier which can move freely from place to place and from route to route over the free right of way of the waters. The interposition of water transportation creates not only a regulative force, but also brings into being seeming anomalies in regard to rates.

A rate regulative tribunal has to recognize that water competition where effective demands recognition, and that its effect may be by creating competition at a point or points; to afford a justification of a rate situation, which, if it were brought about by railway conditions alone would fall within the inhibitions of the Railway Act in regard to unjust discrimination and undue preferences. The Board has had, on various occasions, to deal with the question of water competition. By its order issued December 1, 1905, No. 794, it granted the Canadian Pacific Railway Company permission to meet on the Pacific coast the competition of independent water carriers, not subject to the Railway Act. This permission applied not only to the port to port traffic, but also to the situation where the transportation was partly by railway on the lines of the company in Vancouver island, and partly by water from a port on Vancouver island to a port on the main land.

Again, on December 3, 1908, the Board by its order No. 5774 granted a similar permission, as a result of an application made by the Vancouver, Victoria and Eastern Railway and Navigation Company. The Board has said in respect of a compelled rate based on water competition, it is the privilege of the railway, in its own interests, to meet water competition. It is not, however, the privilege of the shipper to demand less than normal rates because of such competition which the railway does not in its own interests choose to meet. It has further said that where the railway chooses to meet water competition, it is to be presumed, unless the contrary is established, that it does so because there is effective competition in regard to traffic important in amount. *Plain and Co. vs. C.P.R.* 9 Can. Ry. Cas. p. 223. The same position has been followed by the Board in *Canadian Oil Companies vs. the Grand Trunk, Canadian Pacific and Canadian Northern Railways*, 12 Can. Ry. Cas. 350. It has also used the following language:—

"In Canada, the competition of a boat line which is not owned, chartered, used, maintained or worked by a railway subject to the jurisdiction of the Board, is exempt from the Board's control. It is recognized that on such a state of facts it is in the discretion of the railway to what, if any, extent it shall recognize this competition; and if competition forces the rates of a railway below its normal basis, it follows that when the competition is less effective the railway may bring its rates up more closely to its normal basis."—*Dominion Millers' Association vs. G.T. and C.P. Ry. Cos.* 12 Can. Ry. Cas. 368.

The Board has had before it of its own motion the question of the obligations of railway companies under section 7 of the Railway Act, in respect of port to port traffic carried by vessels which they own, charter, use, maintain or work. "It was pointed out by the Board's circular No. 59, of February 15, 1911, that it was probably the intention of Parliament that local traffic between ports in Canada carried entirely in or upon vessels particularized in section 7 as distinguished from through traffic carried by a vessel as part of a continuous rail and water route, should be subject to the tariff clauses of the Railway Act," and the railways subject to the Board's jurisdiction were required to show cause why standard freight and passenger tariffs should not be filed. Submissions were made by the railways concerned; and the Board, being seized of the difficulties in the way, stated that on March 28, 1911, by amendment No. 1 to circular

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No. 59, that "in view of the difficulties that would be placed in the way of companies operating ships in port to port traffic in competition with local boats free from provisions of the Act" it was not deemed expedient to require the filing of the tariffs referred to in its circular No. 59.

The situation as between Blind River and Sault Ste. Marie, Ont., falls squarely within what has been decided by the Board. The railway companies, in conjunction with their connecting water carriers, have put in a rate basis to Sault Ste. Marie, Ont., and Fort William which is compelled by the water competition. The water competition important in amount and effect applies to Sault Ste. Marie and on the upper lake traffic. Blind River is off the line of this competition. It is in the railway's discretion whether it shall meet this water competition; but the fact that it has met the water competition at Sault Ste. Marie, where such competition exists, is not a reason why its discretion should be limited as to Blind River where the competition of the all-water lines does not exist. The lake and rail rate to Blind River is below the normal basis of the all rail rate, this being due to water competition. This lake and rail rate to Blind River is not attacked as unreasonable in itself. The fact that the 19½-cent rate was apparently applied to Blind River during the season of 1911 has no conclusive bearing on the matter. As has been indicated, there is no tariff sanction for so applying the rate, except, possibly, by inference. But if, irrespective of any explicit tariff sanction, the application of the 19½-cent rate to Sault Ste. Marie resulted in the same rate for a time being applied to Blind River, this in no way limits the right of the railway to take out this rate when the water competition becomes less effective, or when the railway thinks it has become less effective, or even when the railway no longer desires to meet it. The allegation of discrimination, has, therefore, been disproved, and the application must be dismissed.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

Order, dismissing the complaint, issued.

March 12, 1913.

RE INCREASED RATE ON PRESSED BRICK, BRADFORD, PENNSYLVANIA, TO WINDSOR, ONT.

Mr. Commissioner McLEAN:

On the original hearing of this complaint, the only matter at issue was the increased rate on pressed brick from Bradford, Pennsylvania, to Windsor, Ont.

The decision, as given in the original hearing, was based on the procedure which had been adopted by the Board in respect of the onus in the matter of reasonableness. In effect, the decision as rendered was a non-suit so far as the railway was concerned. The Board had laid down in various decisions that where a rate which had been for some time in force was increased, the burden of proving that such increase was reasonable was on the railway; it being held that a rate established in the first instance by a railway of its own volition was presumptively reasonable; and that it was incumbent on the railway, if such initial rate was reasonable, to show with reasonable conclusiveness what changed conditions or increase in cost of operation justified the advance of the rate. The Board, it is true, had on various occasions expressed opinions somewhat at variance with this. In dealing with the question of joint switching rates in Toronto, Chief Commissioner Killam used the following words: "It does not appear to me that the railway companies are bound to make an exception in the case of Toronto, or that because of their having thus mutually absorbed these charges for a considerable length of time, they must necessarily continue to do so forever. The whole question is one of reasonableness, and while the continuance of the practice affords evidence of its reasonableness, it is not conclusive."

Canadian Manufacturers' Association vs. Canadian Freight Association, 7 Can. Ry. Cas. pp. 307, 308. The same position was followed by the Board in Laidlaw Lum-

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ber Co. *vs.* Grand Trunk Ry. 8 Can. Ry. Cas. p. 194, and in *Montreal Produce Merchants' Association vs. Grand Trunk Ry. and Canadian Pacific Ry. Companies*, 9 Can. Ry. Cas. p. 238.

The railways have continuously urged before the Board that while there have been increases in general cost of operation, it is not possible to so analyze these increases so as to show in detail how they affect each particular commodity moved, and whether each commodity moved participates in the increased cost of movement in greater or lesser degree. Undoubtedly the railways, in common with other portions of the public, have felt the effect of the steadily upward movement of the price curve, a movement which has been so practically continuous in one direction that the curve is now virtually a tangent. In effect, the decision in the Pulpwood case is that while the continuance of the particular rate may raise a presumption of fact as to the unreasonableness of the increased rate, there is no presumption of law which must be rebutted. In dealing with an analogous situation, the Supreme Court of the United States has said:—

“Undoubtedly where rates are changed, the carrier making the change must be able to give a good reason therefor; but the mere fact that a rate has been raised carries with it no presumption that it was not rightfully done. *Interstate Commerce Commission vs. Chicago Great Western Railway Co.*, 209 U.S. 118.

The Board had dealt with the onus as to reasonableness in the Pender group of cases and in the Davy case.

Complaint of James Pender & Co., St. John, N.B., respecting rates on iron goods from St. John, N.B., to points on the Quebec Central Railway. File 10720.

Complaint of the Portland Rolling Mills, Ltd., of St. John, N.B., against the rates charged on bar iron and nails from St. John, N.B., to Quebec Central Railway points. File 10720-1.

Complaint of the Maritime Nail Company, Limited, against the rates charged on bar iron and nails from St. John, N.B., to Quebec Central Railway points. File 10720-2.

Davy v. N. St. C. & T. Ry. Co., 9 Can. Ry. Cas. 493. In these cases, the onus being placed on the railway, it was required that the information as to changed conditions and cost should be as to the particular commodity on which the rate increase had been made.

Now while the onus still remains, the effect of the Board's judgment in *International Paper Co. et al v. G.T.R. et al* is that the Board has a wider discretion. This judgment in effect sets out that not particular cost alone nor conditions peculiar to that particular commodity, but all material conditions and costs, including there with comparison of rates, may be given such weight as seems reasonable to the Board. It follows that for this purpose all tariffs on file with the Board, whether referred to in the record or not, are part of the record.

The present rehearing must be dealt with in the line of the principles which the above-mentioned case has developed.

In the application for a rehearing, the railways stated that while the original application had dealt simply with the question of increase of a particular rate, the change in rate was the outcome of the adoption of a new rate scheme in regard to bricks, in which while there were some upward movements there were other downward movements. They pled in effect that the rate situation in respect of the brick movements should be looked at from the standpoint of the rate scheme, not from the standpoint of a particular rate.

In the original hearing, much had been made of the decision in the United States, in which the Interstate Commerce Commission had directed that identical rates should be given on firebrick, paving brick and building brick. This decision is spoken of in railway circles as meaning that “a brick is a brick.” It was shown in the rehear-

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ing that whatever the pertinency of this phrase may be as a determining factor in the reasonableness of rates on brick in the United States, it has no necessary connection whatever with what has been done in Canada by the railways, and that the railways have acted entirely of their own volition.

The railways having urged that the general effect, not the effect of a particular rate, should be considered, they were permitted to file statements showing the nature of the brick movement to various representative points, the earnings on these movements at the new rates, and the earnings on the old rates. These statements are now before the Board. They cover movements to Toronto, Oshawa, Hamilton, Midland, London, Brantford, Windsor, and Guelph, Ont., from points of origin in the United States. Of these points of origin, eight are located in Ohio, viz., Nelsonville, Canton, Cleveland, Delaware, Portsmouth, Wadsworth, Mariette and Strassburgh. Six are located in Pennsylvania, viz., Emery, Lewis Run, Rochester, Bradford, St. Mary's and Karthaus. Two are located in Kentucky, viz., Ashland and Haldeman; and one in Michigan, viz., Detroit. These returns cover the movements of fire brick, paving brick and building brick for a period from June 1 to November 30, 1912, over the Grand Trunk Railway system, the Michigan Central, the Toronto, Hamilton and Buffalo, and the Canadian Pacific Railways. These cover a total movement of 761 cars, subdivided as follows: fire brick, 578; building brick, 120; paving brick, 63. The statements presented do not cover the Wabash and Père Marquette movements. The Wabash did not move any cars of brick from the United States to any of the points mentioned during the period in question while the Père Marquette moved forty-six cars to Chatham and Walkerville. Six of these were from Detroit, six from Ohio and Kentucky points, and the remainder from New York and Pennsylvania. The Père Marquette figures do not appear to be very material.

An analysis of the summary of earnings for the six months' period shows a net decrease of revenue, as a result of the arrangement of \$1,988.88. The figures as submitted showed a decrease of \$2,122.87. But some portion of the decrease as thus given is due to the fact that in particular cases there is now a through rate, where formerly the only rate combination available was the sum of the locals. This of necessity adds to the percentage decrease. Where the old rate was the sum of the locals this would not be characteristic, as where there was a choice by another route at a through rate there would not be any considerable movement on the sum of the locals. An attempt has been made in checking the summary to make allowance for this.

The following summary gives the summary detail as to increases and decreases, both in gross amount and per ton:—

FIRE BRICK.

	Lb.	Decrease.	Increase.	Per Cent of Total Movement.
G.T.R.	19,540,907	\$1,854 18	.....
M.C.R. & T.H. & B.	11,814,965	259 94	.....
C.P.R.	2,435,100	159 83	.....
	33,790,972	\$2,273 95	.....	73.8

Decrease per ton, 13.4 cents.

BUILDING BRICK.

	Lb.	Decrease.	Increase.	Per Cent of Total Movement.
G. T. R.	4,130,550	.....	\$205 90	
M.C.R. & T.H. & B.	178,500	14 60	
C.P.R.	3,152,060	\$9 64	
	7,461,110	Net....\$	\$210 86	16.2

Increase per ton, 5.6 cents.

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PAVING BRICK.

	Lb.	Decrease.	Increase.	Per Cent of Total Movement.
G.T.R.	3,251,700	\$34 98	
M.C.R. & T.H. & B.	270,000	.....	\$43 50	
C.P.R.	1,904,600	.....	65 79	
	4,526,300	Net....\$	\$74 31	9.8

Increase per ton, 3.2 cents.

The figures of the importation of brick into Canada during the year 1912 via Detroit, Port Huron, Black Rock and Suspension Bridge, amounted to 83,281,085 bricks, valued at \$1,006,091. The returns as given for the six months' period deal with 45,778,382 pounds weight of brick. As the United States Customs returns are for quantity, not for weight, no percentage comparison can be made.

The total movement of brick to Windsor during the six months' period was 79 cars, made up as follows: Paving brick, 2; building brick, 67; fire brick, 10. A further analysis shows that the building brick, which is the gravamen of the Cadwell Company's complaint, is subdivided as to car movement and sources of supply as follows: Detroit, 21; Ohio, 25; Pennsylvania, 21.

There are two points in the application of the Cadwell Sand and Gravel Company; (1) the increase of rate to Windsor is unjustified; (2) Windsor should have the same rate as Detroit, viz., \$1.60. The \$1.60 rate is fixed by the commercial competition of the Ohio brick plants, which are a shorter distance from Detroit than are the Pennsylvania plants. Under these conditions of trade competition, the rate from the Ohio fields fixes the maximum which brick from the Pennsylvania field can pay. It holds down the Pennsylvania-Detroit rate below the point which it might fairly be expected to pay on mileage. The \$1.60 rate being concerned with the condition of market competition at Detroit, which does not exist at Windsor, therefore does not afford a measure of the Windsor rate.

The rate to Windsor remains to be considered.

A summary of the six months' statistics already referred to may be put in condensed form in the following table:—

Railway.	Kind of Brick.	Average weight per car.	Average earnings per car.
C.P.R.	Paving.	63,153	\$ 83 85
	Building.	63,043	50 82
	Fire.	62,433	75 20
M.C.R. & T.H. & B.	Paving.	67,500	83 37
	Building.	44,625	46 50
	Fire.	59,366	60 84
G.T.R.	Paving.	81,693	112 12
	Building.	62,659	57 87
	Fire.	57,473	67 87

It will be noted that in general the building brick, included in which is pressed brick, loads to a lighter weight per car than the other kinds of brick, and returns smaller earnings per car. The weights and earnings on the building brick movements to Windsor show variations in point of weight and point of earnings as between the different lines:—

Railway.	Average weight car.	Average earnings car.
C.P.R.	73,250	\$67 96
M.C.R. & H.H. & B.	42,833	41 83
G.T.R.	61,983	66 39

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There is no movement of building brick by the C.P.R. to Windsor during the six months' period from Pennsylvania points taking the Bradford rate, viz., \$2. For the G.T.R. and the M.C.R. and T.H. & B., the following detail may be extracted:—

Railway.	Ex.	Cars.	Loaded weight
G.T.R.	Rochester, Pa.	1	55,000
	Lewis Run, Pa.	15	858,300
	Bradford, Pa.	2	143,000
		<hr/> 18	<hr/> 1,056,300
M.C.R. & T.H. & B.	Emery, Pa.	2	86,000
M.C.R. & T.H. & B.	Lewis Run, Pa.	1	42,500
		<hr/> 3	<hr/> 128,500

This gives an average loaded weight from these points via the G.T.R. of 58,683 pounds and via the M.C.R. and T. H. and B. of 42,833 pounds. The weight via the G.T.R. which equals 29.3 tons per car, may be taken in order to measure the earnings. The average receipts of \$2 per ton work out at \$58.68 per car. Out of the \$2 rate from Bradford to Windsor, the Grand Trunk receives \$1.20 per ton, or \$35.34 per car. The distance from Buffalo to Windsor on which the Grand Trunk earns \$1.20 is 230 miles, that is to say on this haul its earnings per car mile are 15.3 cents. Under the old proportional of 88 cents per ton, the Grand Trunk earned 386 cents per ton mile. Under the new proportional of \$1.20, it would earn 521 cent per ton mile.

Comparison with other rates is of interest. The rate from Bridgeburg to Windsor, a distance some 5 miles shorter than from Buffalo to Windsor, is on the standard 10th class, 10 cents per 100 pounds weight, which works out 1.03 cents per ton mile. The special town tariff 10th class is 11 cents per 100 pounds, which works out .982 cent per ton mile. The special mileage brick tariff is 9½ cents per 100 pounds, which works out .848 cents per ton mile. Under the brick tariffs which are being considered, the rate from Black Rock to Montreal via Grand Trunk, is \$2.05, or a ton mile rate of .473. To Ottawa via M.C.R. and T. H. and B. and C.P.R., there is the same rate, the ten mile rate working out .5923. To St. John, N.B., via M.C.R. and T. H. and B., and the C.P.R., the rate is \$4.80 per ton. The distance is 905 miles and the ton mile rate is .5303 cent. Comparison may also be made with the rate on pressed brick from Toronto to Ottawa and Montreal. The rate is blanketed to both points at \$1.80. Ottawa is a distance of 256 miles and Montreal 384. The ton mile rate works out .703 and .54 cents.

It has been submitted in evidence before the Board in the matter of rates on quarried stone that one-half cent per ton mile is the lowest rate on that commodity.—*Doolittle and Wilcox, v. G.T.R. and C.P.R. Cos., 8 Can. Ry. Cas. 11.*

Stone is a tenth class commodity. It was at the same time submitted by the applicants that the rate should be made up of this one-half per ton mile for movement expenses plus a terminal charge of 25 cents per ton on the shorter hauls and a lesser terminal charge on the longer hauls. It was held in this case that this procedure was defective in that it did not recognize that terminal cost entered both into the loading on the cars and the unloading therefrom. Computations which have been made in the United States place average terminal costs for loading and unloading at 25 cents per ton at each end of the line. This was the figure of transshipment cost on large movements of grain at Depot Harbour on the Parry Sound Railway. If brick were given a ton mile rate of one-half cent, plus a terminal charge of 25 cents per ton at each end of the route, the Bradford-Windsor rate would be \$1.55 plus 50 cents, or \$2.05 per ton.

Reference has been made to the special mileage brick tariff from Bridgeburg to Windsor. In the absence of evidence as to there being an actual movement over the

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whole of this distance on this tariff, a comparison may be made with a low grade commodity which does move. Brick and coal are both tenth-class in the Canadian Classification, and usually move on commodity rates. Pressed brick from Bradford averages 6 pounds per brick. This brick, which sells at from \$22 to \$26 per 1,000, is, therefore, worth from \$7.33 to \$8.66 per ton. Bituminous coal is of lower value than the pressed brick in question.

From Buffalo to Windsor, the rate on bituminous coal per net ton is \$1, and on the anthracite 90 cents, which figures out ton mile rates of .434 cent and .391 per ton mile. The following table puts the ton mile earnings in summary form:—

Brick, old proportional of 88 cents . . . . .	.386 cents per ton mile.
Coal, bituminous . . . . .	.434 " "
Coal, anthracite . . . . .	.391 " "
Brick, new proportional of \$1.20 . . . . .	.521 " "

The earnings per car mile on brick have been given. Coal moves in 50-ton cars giving earnings per car from Buffalo to Windsor as follows: Bituminous coal, \$50; anthracite, \$45. Put in summary form the car mile earnings are as follows:—

Bituminous coal	26.15 cents per car mile.
Anthracite coal	17.4 " "
Brick, new proportional	15.3 " "

It is to be recognized that the volume moving is a factor in the determination of the rate. The statistical returns published by the Department of Railways and Canals bulk cement, brick, and lime; and so it is impossible to make any exact comparison of the total brick movement with the total coal movement. Subject to this modification, the tonnage movement over the Grand Trunk for the year ending June 30, 1912, was as follows:—

	Tons.
Anthracite coal	2,047,314
Bituminous coal	2,440,302
Cement, brick and lime	898,242

After due consideration of the new rate system on brick as tested by the figures which have been analysed, and also after consideration of the different sources from which the brick moves into Canada, and the earnings thereon per car mile and per ton mile, I am of opinion that the rates as charged are not unreasonable.

Chief Commissioner Drayton and Commissioners Mills and Goodeve concurred.

Order made refusing application of the Cadwell Sand and Gravel Co., Ltd.

March 25, 1913.

RE CLASSIFICATION OF FLANNELETTE SHEETS.

The Montreal Board of Trade applied for an order directing that flannelette sheets be added to the dry goods list of the Canadian Freight Classification at the same ratings as are provided for "cotton piece goods", namely L.C.L. 2nd class and C. L. 4th class.

Mr. Commissioner MILLS:

After due consideration of the evidence, argument and correspondence in this case, I am of the opinion that it is not advisable to make the proposed changes in the classification, that an order should go refusing to grant the application, and that copies of the chief traffic officer's report of March 20, 1913, should be sent out with the order.

Concurred in by Assistant Chief Commissioner Scott and Commissioners McLean and Goodeve.

Ordered accordingly.

March 26, 1913.

REPORT OF CHIEF TRAFFIC OFFICER HARDWELL.

The application is that flannelette sheets be added to the dry goods list of the Canadian Freight Classification at the same ratings as provided for "cotton piece goods" viz. L.C.L. 2nd C.L. 4th class. At present flannelette sheets take the ordinary dry goods rating, viz., first class in any quantity, there being no car-load rating, and they are so treated in the American Official and Western Classifications.

The cotton piece goods list of the Canadian Classification includes a number of articles commonly known as "domestics" and amongst these are flannelettes. The reduced ratings of this list are conditioned on the various articles being made "wholly of cotton in the original piece, uncut." In giving these "domestics" their reduced ratings, the companies have evidently regarded them as, in a sense, raw material, to be cut up and made into various articles of wearing apparel and household use in the factories, or the home.

The list has stood in the Canadian Classification for a number of years, and is practically the same as in the Official Classification. The application is based on the fact that although the flannelette sheets are cut and webbed, or bound, at the ends, these operations add but a trifle to the selling price as compared with the piece goods. The only manufacturers in Canada are the Dominion Textile Co., whose factory is at Montmorency Falls, Que., (represented at the hearing by Mr. Dodd) and Canada Cottons, Ltd., whose factory is at Cornwall, Ont. Mr. Dodd stated that ten years ago the bulk of the trade was in piece goods; that the manufactured sheets were first introduced from the States and created a demand in Canada, so that to-day not 1 per cent of the goods is sold in the piece. (A wholesale firm informed me that in their trade the comparison is about 95 to 5.) The sheets from the States paid, and still pay, first class rates, regardless of quantity.

The application is based largely on comparative values. Whether the process of finishing adds little or much to the value, it removes the article from the "piece" list.

Refinement of classification is impossible with the limited number of merchandise classes, and goods have therefore to be broadly grouped. Mr. Dodd stated that woollen blankets ran from \$3 to \$25 a pair; yet they are grouped in one class; viz., first; the cheap hat or tweed cap is in the same class with silk hats; and so on with other lines of dry goods, boots and shoes, etc. The presumption is strong that if this application were granted the door would be open to others. The shoddy or "union" blanket is intermediate in price between the flannelette (or cotton blanket) and the woollen blanket; and the price is not far below that of the cheaper grade of the latter.

The application for a carload rating clearly has in view mixed, not straight, carloads. Mr. Tilston (6385-6) "If a carload rating was granted the traffic in straight carloads, or mixed carloads, would go as cotton piece goods." It is much to be doubted whether this article can be shipped at present in solid carload lots, except, perhaps, an occasional car to a jobbing house. A statement of shipments from both firms during the months of November and December was put in; but these aggregations represent shipments to various consignees. These firms, making, as they do, all descriptions of "domestics" might easily make mixed carload shipments; and this would, if the application were granted, enable them to ship small lots of this flannelette sheeting at the carload 4th class rating; while the ordinary shipper must pay first class. The request is in the interest of the manufacturing and jobbing trades; and I would point out that Mr. Carpenter, who represents the Winnipeg jobbers and wholesalers, supports the application; reminding the Board, at the same time, of its refusal of the Winnipeg application for a carload rating on blankets, and on knitted wear as well. It might prove difficult for the Board consistently to repeat its refusal if, as I should expect they would, those applications were renewed in the event of the present one being successful.

It is true that there are a number of such carload ratings in the classification; but these are largely confined to the heavier goods such as groceries, hardware and

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the like; and I do not think it would be wise unduly to extend the principle. Mr. Walsh's reference to distribution of the cost of transportation as the object of freight classification cannot be questioned; yet the reductions in the ratings of articles that are able to bear the higher carrying charges must necessarily tend to curtail the ability of the carrier to make lower rates without which the cheaper commodities cannot move at a profit.

It is my impression that the reductions asked for would not benefit the consumer.

For the reasons stated I am unable to endorse the application, and beg to recommend accordingly.

Respectfully submitted.

RE CHARGE BY C.P.R. INCOMING AND OUTGOING CAR DELIVERY TO CAR BARGES, KELOWNA, B.C.

Mr. Commissioner GOODEVE:

I had occasion to have the charter under which this railway is operated looked up by the Board's law clerk, under file No. 19641, and in the memorandum submitted by him it was found that the company's charter did not extend to Kelowna; therefore, any spur tracks that were laid down must have been without the approval of this Board. I have been confirmed in this by consultation with the chief engineer of the Board, who assures me that no application was received or approved by it; therefore, our jurisdiction must be entirely confined to the powers we have by 7-8 Edward VII, chapter 61, paragraph 9, viz., "cartage, handling or delivery of goods, etc." I agree, therefore, with Mr. Beatty in statement made in No. 3 of his answers to the Board's questions, that there can be no discrimination because the same conditions do not exist at the places cited, and cannot exist elsewhere for the reason I have stated. The question then involves itself into whether the charge made is reasonable and fair.

It would appear that these portions of trackage were laid under a mutual agreement between the owners of the warehouses and the railway company, with a view to facilitating the handling of merchandise in car lots, and reducing the costs in connection therewith.

Mr. Fisher, in his letter of January 27, gives as a reason why this charge should be discontinued that the users of these spur tracks are made to pay an annual fee for their up-keep; but no doubt this was part of the agreement and was clearly understood by both parties when they agreed to pay the sum of \$1 per car for the placing of the cars. Further on in his letter Mr. Fisher makes use of the following:—

"The railway company does not make such a charge in any city where there are railway facilities or a yard engine, and this being part of the whole system, why should we be made to pay any charge at all when the full freight charge as per their schedule is paid. We maintain that proper delivery is essential on the part of the company, and it is not proper delivery simply to unload a car from the barge to the ship, and why should extra payment be made for a service which it is the company's duty to do as part of their contract?"

I have already shown that this is not a correct comparison, as under their charter the railway ends at Okanagan Landing; and these spurs are not a part of the whole system. And that while their tariffs filed with the Board quote rates through to Kelowna which includes the ferriage, or transportation by boat or barge from Okanagan Landing to Kelowna, it would be proper delivery to unload the car at the slip. This is recognized at all points where there are water terminals.

If the claim made for free delivery were allowed, and this principle laid down, any one could demand that the railway company be compelled to lay spurs and deliver carload lots any distance free of charge. It would also be necessary to apply this principle to package freight, which, I think, would be clearly unfair.

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I think, therefore, as the rate in itself is unreasonable, the claim should be disallowed.

Chief Commissioner Drayton concurred.

Order, dismissing application, issued May 5, 1913.

RE DIFFERENCE IN FREIGHT CHARGES BETWEEN G.N.R. AND C.P.R. HUDSON BAY MILLING CO., SALMO, B.C.

Mr. Commissioner McLEAN:

This complaint which deals with the rates on silver lead ore from Salmo, B.C., which is located on the Nelson and Fort Sheppard Railway, a controlled line of the Great Northern Railway, was launched in the first instance in the course of a more general complaint in regard to car supply. The complaint was not received in time to be heard at the hearing in Nelson on December 9, 1912; consequently the position of the railway has had to be developed through correspondence, and it has been found necessary, after thus receiving information, that further information should be forwarded. All this has entailed a long delay. This delay, however, is inseparable from a situation where a case had to be developed through written statements.

The applicant complains that the Great Northern forces him to bill his ore at a valuation of \$100 per ton. He states further that he is charged \$1.25 per ton for a haul of 35 miles from Salmo, B. C., to Nelson, B. C., while the Canadian Pacific charges 60 cents per ton from Nelson to Trail, a distance of 60 miles; and he states that the C.P.R. in addition to granting him this low rate, does not force him to overvalue his ore. He also states that his ore is low-grade, with a maximum value of \$24.54½ per ton.

The figures given as to the comparison of the Great Northern and of the Canadian Pacific rates require correction. While the distance from Salmo to Nelson is 35 miles, the distance from Nelson to Trail is 45 miles. This gives the following results:—

Ton mile rate, Salmo to Nelson.	3.58 cents.
Ton mile rate, Nelson to Trail.	1.33 cents.

The ore is moved in box cars from Salmo to Nelson with an average loading of 30 tons, which gives car mile earnings of \$1.07. The C.P.R. rate applied to a 30-ton car movement gives car mile earnings of 40 cents.

It does not of necessity follow that the rates of one railway are to be taken as a conclusive measure of what it is reasonable to charge on another railway.—*Dominion Sugar Co. v. Canadian Freight Association*, 14 Can. Ry. Cas. 192.

Not simply mileage comparisons, but also comparisons in respect of conditions of operation, cost of carriage, volume of traffic, etc., would be necessary. And these to be conclusive would have to point to similarity if not to identity of conditions.

In the year ending December, 1912, the Hudson Bay and Iron Mountain Mines, which are located at Salmo, B.C., shipped to Nelson 2,711 tons of ore. In the same year, the movement from Nelson to Trail over the Canadian Pacific Railway amounted to 70,625 tons of ore. The tonnage from Salmo, which moves to Trail for smelting, would of necessity be included in the C.P.R. total; but making allowance for this, it is seen that the C.P.R. tonnage would still be about 25 times as great as that of the Nelson and Fort Sheppard on the ore movement from Salmo to Nelson. Taking an average loading of 30 tons per car, it will be found that the ore shipment from Salmo to Nelson represents 90 11-30 cars, while from Nelson to Trail it is 2420 5-6 cars.

The C.P.R. in giving a low rate basis on the ore moving to the smelter at Trail, is assured thereby that it will obtain a higher return on the more valuable refined product outbound from the smelter. It has been recognized that it is in the discretion of the railway to take into consideration not only the rate on the inbound raw material, but also the rate on the outbound product.—*Michigan Sugar Co. v. C. W. & L. E. Ry. Co.* 11 Can. Ry. Cas. 363.

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The lower rate which the C.P.R. charges from Nelson to its smelter is in reality an aid to the development of the business of that smelter, and a means whereby the outbound refined product may be increased with a resultant addition to revenue. In the case of the Nelson and Fort Sheppard Railway shipments to Nelson, there is not any resultant addition to the revenue of the railway arising from an outbound haul on the refined product. The smelter which formerly existed at Nelson is not now in operation.

The circumstances affecting the rate charged on the movement of this ore over the C.P.R. differ to such an extent from those attaching to the movement on the Nelson and Fort Sheppard that it does not appear justifiable to take the C.P.R. rate as a measure of what should be charged on the Nelson and Fort Sheppard.

The applicant complains of the valuation of \$100 per ton. He appears to be under the misapprehension that in some way this valuation affects the rate charged. The applicant, however, does not pay a rate on this \$100 valuation. The reason for the \$100 valuation in the tariffs is explained by the railway as follows:—

"With regard to that portion of the complaint relative to payment of freight charges on the higher valuations, we submit the impracticability of providing a different rule for each mine, and have therefore established a general rule in our various ore tariffs which places all shippers on an equality. Final adjustment of freight charges is made on basis of the returns from the smelters, and of course, charges must necessarily be assessed on some fixed value, prior to the actual value determined by the smelter returns. It would be just as unfair to the carrier to collect charges on basis of the low valuation rate in the transportation of ore carrying a very high valuation, as it would be to the shippers to assess charges on the higher valuation for ores running low in value, and in order to equalize the matter and establish what we consider a fair rule for all, we have provided that charges shall be collected in the first place on the rate applying on \$100 ore. This is the method in effect on all other shipments and adjustments are promptly made. We have had no other complaints on this point."

As a matter of fact, the rates charged on ore from Salmo to Nelson are as follows:—

\$1.25 per net ton when valuation does not exceed \$	25 per ton
\$1.50 " " " "	35 "
\$2.00 " " " "	50 "
\$3.00 " " " "	100 "

The rate charged, \$1.25, is based on the valuation of \$25 per ton.

The chief traffic officer, in the course of the correspondence, pointed out that certain low rates were given on low grade ore from the Hunter V spur to Nelson. These rates are as follows:—

30 cents per ton if value not over \$3.00 per ton.
40 " " " " 4.00 "
50 " " " " 5.00 "
60 " " " " 6.00 "
75 " " " " 8.00 "
1.00 " " " " 10.00 "

These rates were put in on September 19, 1904, and were made applicable to Nelson and to Northport, Wash.

It is stated by the railway that this rate basis was put in in order to enable the Hunter V mine to ship lime-rock, carrying a small percentage of silver, to the smelter at Nelson, this ore being of use as a fluxing ore. It is said that by March of 1905 practically all of the tonnage from this mine had stopped. It is claimed, further, in

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support of the rates given to this ore, that there was a compensating haul of the product back from the smelter over the Nelson and Fort Sheppard Railway. It is stated that the destruction of the smelter at Nelson has materially changed the situation; but that while there has been no movement of recent years from the Hunter V spur the rate is still carried in the tariffs, as it was assumed the Hunter V might start again.

In working out these rates on ore, the railway recognizes the difference in value as a basis of rates. As has been pointed out, the maximum value of the ore handled by the applicants is slightly under \$25. The railway states that the average value of the ore from the Iron Mountain Mine during March, 1913, was \$17 per ton, while the average value of the Hudson Bay mine ore was \$14. The applicant has furnished a copy of the preliminary statement, received under date of October 24, 1912, from the smelter at Trail. This shows on a gross weight of 58.15 tons of ore an average gross value of \$15 per ton.

The railway points out that the movement of ore from Salmo has been somewhat spasmodic, and it refers to the fact that the mine was located some distance from the railway. A statement is on file that there is a haul of about nine miles. It states, further, that the cost of mining and hauling is much in excess of the freight rate. It quotes a mining and hauling cost of \$5 per ton for the Iron Mountain, and \$4.50 in the case of the Hudson Bay; and it contends that the application is simply one to offset the natural disadvantages the applicants are under. In this connection it points to the board's decision in *Imperial Rice Milling Co. vs. C.P.R.* 14 Can. Ry. Cas. 375, as upholding the position that the board is not concerned with equalizing the cost of production. The board has many times said that it is not concerned with equalizing costs of production. It has many times affirmed that its jurisdiction in connection with applications is concerned with reasonableness of rates, not with the rate of profit which the applicant is making.

As has been seen, the rates vary with the value, there being different rate bases as the values vary. Between the \$1.25 and \$1.50 rate, there is a spread of \$10 per ton; between the \$1.50 and \$2 rate, there is a spread of \$15; while between the \$2 and \$3 rate, there is a spread of \$50.

There is already carried in the tariff of the railway C.R.C. No. 757, effective December 15, 1910, a rate of \$1 per ton on \$10 ore to Nelson from Hunter V spur Ymir, Tamarac, Hall, Summit, Mountain, Trump Junction, and by notation on the tariff in connection with this rate it is stated that there is a 50-cent rate on valuation not exceeding \$5 per net ton; 60 cents on valuation not exceeding \$6 per net ton; 75 cents on a valuation not exceeding \$8 per net ton.

The railway in its supplement No. 7 to C.R.C. No. 757, effective November 15, 1911, recognizes between Wood and Meadows a valuation of \$15 as a basis for a rate. The railway also recognizes in other portions of its tariffs valuations of \$20. These, however, are in connection with movements from American to American points. They are set out in C.R.C. No. 757 already referred to. An examination of C.R.C. No. 757 will indicate that at different points the railway has pursued the policy of subdividing the spread falling under the \$25 value.

It appears then that the railway recognizes variations in value as a measure of the difference in rate. It further appears that in not recognizing differences in value on the Salmo ore under \$25, the rates are out of line with the practice made use of at other points by the railway.

It does not appear reasonable to bulk the ore from Salmo under the \$25 valuation when it is admittedly of much lower value. Certainly if the spread of \$10 between \$25

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and \$25 ore justifies the difference in rate, there is still more justification for splitting up the rates under the \$25 valuation. I am of opinion that the following additional rates should be put into force on the movement from Salmo to Nelson:—

\$1.10	per	net	ton	when	valuation	does	not	exceed	\$15	per	ton.
1.15		"		"	"	"	"	"	20	"	

These additional rates should be made effective within thirty days.

Chief Commissioner Drayton concurred.

Order, in accordance with judgment, issued.

June 12, 1913.

RE NON-COMPLIANCE CANADIAN PACIFIC RAILWAY AND CANADIAN NORTHERN RAILWAY WITH
ORDER 12520 IN THE REGINA RATES CASE.

Mr. Commissioner McLEAN:

The hearing, which took place in Ottawa on June 15, was concerned with answer of the railways to the contention that the terms of the order of the board in the Regina Rates Case had not been complied with.

In view of the reference to the time which has elapsed since the initial hearing in the Regina rates application, it may not be amiss to refer to the various steps taken.

The matter was heard in October and November, of 1909, in Regina and Winnipeg. Subsequent to the issuance of the judgment and of the order, application was made for leave to appeal to the Supreme Court. The matter was not finally adjudicated upon by the Supreme Court until December 6, 1911. The board by its order of December 19, 1911, gave direction that revised rates should be made effective April 1, 1912. There was a hearing in Ottawa on May 21, 1912, at which protests were launched by counsel for the Regina Board of Trade, who contended that the rates as installed by the railways were not in compliance with the direction given by the board. This session of the board having been held on short notice, to meet the convenience of a witness of the applicants who was in the east at the time, the railways were not in position to meet the complaint as launched. Following this there was a hearing in Ottawa on June 18, 1912.

At a meeting of the board in Regina on July 22, 1912, complaint was launched against the decision of the board as set out in a letter of the secretary, dated July 15, 1912, which stated that "the reductions made were in compliance with the board's order 12520, and the question of the difference in scale as between Alberta and Saskatchewan on the one hand, and Manitoba on the other, is distinct from the matter of discrimination which was dealt with in the hearing and forms an integral portion of the investigation into the Western rates and will be dealt with accordingly." The matter was brought up in Regina on short notice, and judging from the notes of evidence was given simply an outline consideration.

The matter was again referred to at a meeting of the board which was held in Regina on December 13, 1912, when it was stated by Mr. H. G. Smith, on behalf of the Regina Board of Trade, that the applicants had been given permission at the previous meeting of the board in Regina, to submit new evidence to show that the tariff as put into effect did not entirely remove the discrimination that had been complained about. Mr. Smith stated that he was not ready at that date to submit this evidence, and he stated that evidence would probably be in shape some time late in January, 1913, and he was assured that he would have an opportunity to submit it. The next communication in the matter was a telegram to the secretary of the board, dated Regina, May 15, 1913, reading as follows:—

"Re Regina freight rate case, file 12682, as per arrangements Regina Board of Trade, desires to produce evidence and conclude case at the session of commission here on 29th instant.

"L. T. McDONALD, Commissioner."

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The arrangements referred to are those made at the hearing on December 13, 1912.

This additional evidence was submitted at the hearing in Regina on May 29, 1915, by the applicants in support of their contention that the board's order had not been complied with. The hearing in Ottawa on June 25, already referred to, completes the outline record of the hearings. It has seemed best to make a reference to the outline history of the hearings so that the reason for the time that has elapsed may be understood.

In order to ascertain what was directed by the board, reference may be made to the words of the judgment, as well as to the direction contained in the order. The order being issued as a mandatory statement of what should be done, must, it seems to me, be taken as a measure of the intention of the judgment. The judgment and the order are not to be explained by inference as to their intention. They must carry in their own wording the exact definition of what was intended should be done.

By reference to the judgment of the assistant chief commissioner, the following statements, bearing upon the determination of the matter, may be extracted:—

"The contention that Winnipeg being a wholesale or distributing centre, is entitled to rates on a lower basis than Regina, cannot, I think be adopted. It was established at the hearing that Regina was a recognized distributing centre. It is surely entitled within its own sphere, to the treatment that Winnipeg enjoys within its natural zone. If there be any artificiality it exists in the extension of the Winnipeg zone to the detriment of distributing points farther west."

Then again it is stated by the assistant chief commissioner that he was of the opinion that—

"It has been proved that the special class freight tariffs of the Canadian Northern Railway Company and the Canadian Pacific Railway Company between Port Arthur and Fort William, and points west thereof, unjustly discriminate in favour of Winnipeg and other points in the province of Manitoba to the prejudice and disadvantage of Regina and Moosejaw and other points west of that province; and that the companies should be required to reduce their rates, so as to remove this discrimination by publishing and filing new tariffs.

The board's order No. 12520, of December 12, 1910, was stayed in its operation on account of the appeal to the Supreme Court; but while the subsequent order No. 15639, of December 19, 1911, provided that the effective date of the new freight tariffs, required to be filed under order 12520, was to be changed to April 1, 1912, reference must be made to order 12520 to ascertain exactly what was directed. The mandatory portion of order 12520 is as follows:—

"It is ordered that the Canadian Pacific and Canadian Northern Railway Companies publish and file new freight tariffs, to take effect not later than the 1st day of April, 1911, removing the discrimination at present existing in the tariffs, to points in the provinces of Manitoba, Saskatchewan, and Alberta, from Fort William, Port Arthur, and points east thereof, in favour of Winnipeg and other points in the province of Manitoba, and points west thereof, by reducing the rates from Fort William, Port Arthur and points east thereof, to Regina, Moosejaw, and other points west of the said favoured points."

In view of the fact that the course of the hearings showed an inaccurate acquaintance with the different tariff bases concerned, it will not be amiss to define these exactly. Without going into the history of the arrangements whereby the readjustments have been arrived at, it may be pointed out that goods moving from Fort William and Port Arthur to points in Manitoba move on the Manitoba scale, which is 15 per cent less than the original uniform maximum mileage tariff between Lake Superior and the Mountains. In the case of shipments from Port Arthur and Fort William to points in Saskatchewan or Alberta, the Saskatchewan scale, which is 7½ per cent less than the parent tariff, applies. On shipments out of Manitoba distribu-

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ting points to points in Manitoba, the Manitoba "town" tariff, which is 30 per cent below the parent tariff, applies. On shipments from distributing points in Manitoba, points in Saskatchewan and Alberta, and on shipments out of distributing points in the latter Provinces to points in Saskatchewan, Alberta, or Manitoba, the Saskatchewan "town" tariff, which is 22 per cent below the parent tariff, applies.

What the railways gave by way of reduced rates under the Order as compared with what Regina had asked, is set out in the following tabular summary.

	Classes.									
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
	8 cts.	8 cts.	8 cts.	8 cts.	8 cts.	8 cts.	8 cts.	8 cts.	8 cts.	8 cts.
Rates at the time of hearing	1 76	1 47	...	1 17	87	73	67	49	38	38
" given by the railways	1 54	1 29	...	1 02	77	68	59	41	37	34
" asked for by applicant	1 50	1 25	...	99	75	67	58	40	...	34

In working out this revised basis the railways, to take the example of a particular rate, took the net fifth-class rate of 38 cents from Fort William to Winnipeg. They found that this was equivalent to 250 miles on the Saskatchewan scale. Then, to this 250 miles they added the 257 miles from Winnipeg to Regina; and the total rate was then worked out in the basis of 607 miles on the Saskatchewan scale. This distance of 607 miles is thus made up of a combination of assumed mileage and of actual mileage.

Counsel for the Canadian Northern, quoting from an explanatory statement of Mr. Lanigan of the Canadian Pacific, stated (evidence, vol. 154, p. 6476) that there had been figured out from the standard tariff the differences existing on that standard tariff per ton per mile as between the Winnipeg rate and the Regina rate. These differences had been reduced to percentages of the Winnipeg ton-mile rate, and from this there had been worked out as a test a statement of the percentage reduction justifiable. I am unable to see the pertinency of this test of measurement. It is obvious that the justifiability of applying this test to the rates before us depends on whether the spread under the standard tariff is a proper one or not. If the standard tariff does not properly taper its ton-mile rates according to distance it cannot well be a criterion of how the ton-mile rates should taper under the revised tariff. Further while the standard tariff has been approved such approval does not carry with it any statement of opinion that the spread thereunder in respect of its ton-mile rates is proper.

It is contended by the railways that under the revised tariffs they have given "to Regina a comparative rate as compared with Winnipeg for the longer distance, and a relative reduction per ton per mile for the longer distance."

It is manifestly clear that there is a dispute between the railways and the applicant in regard to the issue. The evidence itself shows that there is a lack of clarity in regard to the definition of the issue.

In the statements made at the different hearings in regard to the question at issue, there is a lack of exact definition; and it happens that matters brought in for the purpose of illustration are made to be an essential part of the question at issue.

Mr. Laird, in the original hearing (at vol. 96, p. 14,000), stated:—

"The crux of the whole complaint is that taking Fort William as a basing point for western rates, being the head of navigation, the earload rate from Fort William to Winnipeg, plus the earload rate from Winnipeg to a point west of Regina is less than the earload rate from Fort William to Regina, plus the earload rate from Regina to some common point beyond."

Mr. Cowan (counsel for the applicants, takes the same position (evidence, vol. 150, p. 4756) when he states:—

" . . . the only point at issue . . . was the complaint that a jobber in Winnipeg could buy a carload of groceries or agricultural implements, or other commodities, and ship them to a point 50, 75, or 100 miles west of Regina, cheaper than a Regina jobber could buy the same commodities, ship them to Regina and then ship them 50, 75, or 100 miles west, notwithstanding that the car came over the same rails, it was the same commodity, and travelled every mile of the road in the same way as the Winnipeg jobbers' carload."

Mr. Cowan (vol. 154, p. 6510), quoting from the appeal book, quotes Mr. Laird as referring to the fact that at common points beyond Regina the carload freight rate from the basing point at Fort William to Winnipeg, and from Winnipeg on to these points is less than the carload rate in and out of Regina.

Mr. Smith, in the course of his cross-examination by Mr. Aikins, stated (vol. 96, p. 14,033): "we are asking for the application of the Manitoba mileage scale, and the constructive mileage from Fort William to Winnipeg, plus our actual mileage from Winnipeg to Regina." In connection with this statement of Mr. Smith there must be considered a statement of Mr. Laird, that what was wanted was the Manitoba scale applied on shipments in and out of Regina the same as it was in Manitoba (vol. 96, p. 14,031-2). It may be noted in passing that on shipments out from Manitoba distributing points to points in Alberta and Saskatchewan, it is the Saskatchewan "town" tariff scale which applies.

Mr. Smith, in the course of cross-examination by Mr. Phippen, was asked (vol. 96, p. 14,043): "And your application is that the through rate should be further reduced so that there may be some reasonable zone around Regina in regard to which you are protected?—A. Yes." Mr. Cowan stated (vol. 150, p. 4,795) that there should either be a special reduction of the rate into Regina, or such combination of the rates out of Regina, as would put Regina upon a fair basis; that is to say, the question of the outgoing rate was brought in by him as a measure of what the reduction in the incoming rate should be. This is put still more explicitly by Mr. Cowan (*Ibid.* p. 4,797), when he stated: "I am not able to show discrimination between the rate between Fort William and Winnipeg, and Winnipeg to Regina, as against the incoming rate from Fort William to Regina, unless I show you what the effect is when we come to get out of Regina. I am putting it to show you that is where we get strangled." However, on the same page, Mr. Cowan states as follows:—

"COMMISSIONER McLEAN: If Winnipeg and Regina are on the same basis outbound, then the discrimination must be on the inward rate."

"Mr. COWAN: I agree with you, but I only put the other in to show discrimination."

Mr. Cowan, in summing up his position at the hearing, on June 18, 1912, stated (vol. 154, p. 6,513) that the discrimination spoken of by the judgment was a "discrimination in shipping carloads west of Regina, Moosejaw, and other distributing points in the provinces of Saskatchewan and Alberta. This was the only issue I submitted before the board."

In the same hearing (at p. 6,439) the following discussion took place:—

"COMMISSIONER MILLS: "I thought (as it appeared to me) the contention was that the sum total of the rates from Fort William to any point in Western Saskatchewan via Winnipeg, should not be less than the sum total via Regina."

"Mr. COWAN: That was the whole point in the case; the whole argument was based on that."

The same position is taken by Mr. Cowan at p. 6,506. It is not necessary to pursue this phase of the question further, as it is abundantly shown by the evidence that

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Mr. Cowan states and re-states that the complaint was that freight could be taken from Fort William into Winnipeg and from Winnipeg shipped to points west of distributing centres in Saskatchewan and Alberta at lower rates than the same goods could be shipped direct from Fort William to the redistributing centres in Saskatchewan and Alberta, and from there shipped to the same points west of distributing centres in Saskatchewan and Alberta.

It is true that Mr. Cowan states (vol. 154, p. 6,507):—

“The whole complaint, and I am reading this to show that this is the whole complaint, was discrimination in shipping out in carload lots coming via Fort William and out of Winnipeg to Swift Current as against out of Fort William to Regina and from Regina to Swift Current.”

The quotation made by Mr. Cowan on the same page from the statement of Mr. Laird is material as defining the issue:—

“Counsel for the railway company have raised the question of outgoing rates from Regina, but we are not raising that question at all. It is only the question of incoming rates that we wish to refer to, the incoming rate from the base point of Fort William.”

Notwithstanding what has been said in the course of the hearing regarding the rates out from Regina, it was agreed in the course of the original hearing, as well as of the subsequent hearings, that the rate out from Regina, that is to say, the distributing rate, was not the question at issue. For example, Mr. Laird (vol. 96, p. 14,005) said that he was not considering the rate out, and Mr. Smith, at page 14,113 of the same volume, said he was not objecting to the rate out. Mr. Cowan stated (vol. 150, p. 4,763): “I am not objecting to the outward rate, but I am showing the effect of this too.”

The extracts from the record already given show how the reference to the outgoing rates was at times treated as if it were part of the complaint; but in view of what has been so explicitly stated, it is abundantly evident that the discussion was concerned with the inward rate.

In the course of the original hearing use was made of the term, “constructive mileage”, in connection with the rate paid on the movement from Fort William to Winnipeg. The apparent reason for using this term in this connection was that the rate as charged between Fort William and Winnipeg was not the rate appropriate to a distance of 419 miles on the Manitoba scale, but the rate applicable to a distance of 290 miles under that scale.

A great deal has been made of the term, “constructive mileage,” and a considerable portion of the hearing was taken up with the question as to whether the term “constructive mileage,” or the term “assumed mileage” was the proper term to use. It is not material which is used in this connection. The question of “assumed mileage” is again brought up with the determination of the revised Regina rates. The process by which this revision has been worked out has already been referred to.

The distance of 250 miles, which, for example, the rate of 38 cents would carry a fifth-class commodity on the Saskatchewan scale, is significant only in regard to the basis on which the reduction was worked out. I am unable to see anything sinister in the use of this method of arriving at the rate basis. So far as the haul from Fort William to Winnipeg is common to the movement on the one hand to Winnipeg and the other hand to Regina, the same rate is common. And then the 250 miles is used as part of the basis on which the total rate to points beyond is worked out.

In the course of the original hearing Mr. Laird (vol. 96, p. 14,003), stated that the Manitoba scale applied on shipments from Fort William to Winnipeg plus Winnipeg to points beyond, and that the Saskatchewan scale applied on shipments from Fort William to Regina and the Manitoba scale beyond. See similar statement in

evidence by Mr. Laird, p. 14,192, and by Mr. Smith, p. 14,926. It was further stated that if the Manitoba scale applied from Fort William to Winnipeg and from Winnipeg west, the same treatment should be given to Regina, Moosejaw, and points west. The same position was reiterated by Mr. Laird in his argument when he stated that the Manitoba scale applied to carloads in and out of Winnipeg and should therefore, apply to Regina in and out. He stated that since the Manitoba scale was effective out of Regina a similar condition should apply in.

Mr. Smith, in the course of the hearing on May 29, 1913 (Vol. 178, p. 3,740), stated that the discrimination that exists and works against Regina would not exist if the Saskatchewan mileage scale was applied in all cases in Western Canada.

In correction of what was stated at the original hearing, it is to be noted that the Manitoba scale applied on the movement in to Winnipeg, while on the movement out to points in Saskatchewan, either from Winnipeg or from Regina, the Saskatchewan "town" tariff scale applied.

It is true that Mr. Cowan (vol. 150, p. 4,763) said that he was objecting to the inward rate that is to Regina as compared with the outward rate out of Winnipeg west; but the question of the justifiability of the Saskatchewan "town" tariff basis being used as a measure of the inward rate to Regina was not raised in the course of the original hearing.

The criticism of the rates as put in that while there has been a reduction from Fort William to Regina, there has not been a sufficient reduction. For example, Mr. Smith stated, in substance (vol. 150, p. 4,778, and p. 4,779), that the railways ask more revenue to haul merchandise in classes one to ten for the last 357 miles into Regina, when a shipment originates at Fort William, than they ask according to their tariffs on the same haul and the same service when the shipment moves from Winnipeg, Saskatoon, or Calgary, to a point 777 miles distant.

In attacking the revised basis of inward rates as not affording sufficiently low rates, two methods are made use of. The first is the consideration of ton-mile-rates; the second is the comparison of balances.

In the course of the original hearing, Mr. Smith stated (vol. 94, pp. 12,622 to 12,626) that under the existing arrangements, Regina did not get sufficient advantage from its distance, since, with the increase in the length of haul the ton-mile rate should be on a lower basis. Mr. Smith's contention after these revised rates had been produced, was that sufficient reduction per ton-mile had not been made on the long haul. In effect, his argument, as stated in volume 182, pp. 5,739-5,740, was that Regina should get the advantage of the Winnipeg rate already referred to, but that in addition the ton-mile rate should taper on the basis of the actual mileage throughout. In determining the rate there is given, up to Winnipeg, the advantage of the assumed mileage, which is the equivalent of the Winnipeg rate. Then while the advantage of this is given on a rate basis made up of assumed mileage to Winnipeg plus actual mileage beyond, it is urged that credit should be given for the actual mileage from Fort William to Regina. The idea is that if the actual mileage is applied the ton-mile rate for the total distance will so taper as to give a reduction on the balance of the rate beyond Winnipeg, thereby reducing the total rate. Now the rate up to Winnipeg has been brought about by conditions independent of mileage. The contention that in addition to a rate not based on actual mileage, so far as the common portion of the movement is concerned, there should at the same time be counted in for the same portion the actual mileage has not been justified.

In connection with the question of the reasonableness of ton-mile rate tests of the rate, it has to be recognized that while in general it has been held that while the aggregate rate increases with the distance the rate per ton-mile should decrease, the rule is one which is subject to qualifications and exceptions.—*Hilton Lumber Co. v. Wilmington & W.R.R. Co.*, et al. 9 I.C.C.R., 17 & 31; *the Manufacturers & Jobbers Union of Mankato v. Minneapolis & St. L.R. Co.*, et al. 2 I. C.C.R., p. 115.

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If a water-compelled rate existed and a through rate to a point beyond was made up of the addition to this compelled rate of a normal rate, for an additional distance, it would not follow that the ton-mile rate of the water-compelled portion of the rate would be a proper measure of what the ton-mile rate should be for the total distance covered by the through rate so made up; and, consequently it would not follow that the normal tapering of the ton-mile rate with an increase of the distance would in this hypothetical case obey the general rule. In the case of the rate from Fort William to Winnipeg, the conditions which have brought this rate into existence have already been indicated. It is in effect a commodity rate created by special circumstances. While I hold with the judgment that the benefit of this rate on a common movement into Winnipeg should be common, I am unable to follow the argument that the ton-mile rate for this portion of the journey is a conclusive measure of how the ton-mile rate should taper on the through movement to Regina.

In the hearing at Regina in May, 1913, the contention that the revised initial rate to Regina was not sufficiently low and that it was still discriminatory was reinforced by reference to through rate comparisons. These rate comparisons depend upon a comparison of balances of rates. A chart submitted at the hearing works out a series of comparisons for approximately the Regina distance. In the case of a movement from Fort William to Winnipeg, a distance of 419 miles, and then on to Regina a total distance of 777 miles, to quote one class, the per ton-mile rate of fifth-class traffic to Winnipeg is 1.813 cents, while in the case of a movement in Regina it is 1.7503 cents. Taking next the distance from Winnipeg to Muenster by the C.N.R., 420 miles, and from Muenster to Chipman, which makes a total distance of 782 miles, the fifth-class rates work out per ton-mile as follows: 2.095 cents and 1.739 cents. In the case of a shipment from Calgary to Mortlach by the C.P.R. a distance of 412 miles, and from Mortlach to Portage la Prairie, a total distance of 780 miles, the ton-mile rates, fifth-class, are as follows: 2.135 and 1.743.

The method thus pursued is to take on approximately the same mileages the distance from Fort William to Winnipeg, and then by deducting this from the mileage equivalent to the Fort William-Regina movement to ascertain what rate is made use of on the balance. This method of comparison is unsatisfactory. A comparison of balances assumes that the rate is computed on an exact mileage basis, otherwise the comparison of mileage distances is not of value.

Then, again, in the comparisons made in the chart, it must be noted that the Fort William-Regina movement is on the Saskatchewan scale, modified by the adoption of the Fort William-Winnipeg rate, as to this portion of the haul, while in the case of a movement from Winnipeg to Chipman, or from Calgary to Portage la Prairie, the rate is on the Saskatchewan "town" tariff scale. As has already been indicated in the statements as to how these two tariffs are worked out, different rate bases are here being considered.

The argument from the ton-mile rates is that on the balance of 357 miles from Winnipeg to Regina, the ton-mile rate of Regina is not sufficiently low. This is also, approached from the standpoint of the balance of the actual rate. For the 357 miles from Winnipeg to Regina, the balance on the fifth-class is 30 cents. For the 362 miles from Muenster to Chipman, the balance is 24 cents. For the 368 miles from Mortlach to Portage la Prairie the balance is 24 cents.

But this statement is not a final presentation of the case. It has already been seen that the fifth-class rate from Fort William to Winnipeg is 38 cents for the mileage distance of 419 miles. In the case of the Winnipeg-Muenster movement, the rate is 6 cents higher, viz., 44 cents for 420 miles, while for the 412 miles from Calgary to Mortlach the rate is also 6 cents higher. It is simply a question of dividing the rate up into two portions, and, if, as in the case of the comparisons on the Saskatchewan "town" tariff, the initial 420 miles, in round numbers, is higher, the balance must be less; and along with this will follow as a necessary corollary that the

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ton-mile rate will be less. As has been indicated, the 38-cent rate from Fort William to Winnipeg has been built up in a special way, and as is apparent it is lower than the rate for the same distance on the mileage basis on the Saskatchewan "town" tariff. Regina gets the advantage of this lower rate on the through movement, and it is therefore not fair to use the rate of which it gets the advantage as indicating that the balance of the through rate is unfair as compared with balances under the Saskatchewan "town" tariff.

The extracts from the judgment of the board and from the order setting forth the direction of the board were concerned with the question of the inward rate. While the issue has been confused by the introduction of references to the outward rate, this was no part of the complaint. The complaint as to discrimination on the inward movement was of necessity concerned with the discrimination as to the portions of the movement which were common to the journey to Winnipeg and the journey to Regina. It is admitted that there was no complaint on the movement from Regina out. Since the Saskatchewan "town" tariff was not complained of, and since it was common to both movements from Winnipeg out and from Regina out as defined, it cannot be taken as a measure of what the inward rate to Regina should be. Certainly this was not the application before the board. It is true that there does not exist the situation that there are two sets of scales, the Manitoba and the Saskatchewan, and that these affect the "town" tariffs which are worked out thereunder; but what was concerned in the present application, as I read the order, was the removal of the discrimination in regard to the portion of the haul which was common on the Winnipeg movement. The further question as to whether there is any justification for the higher scale in the provinces of Alberta and Saskatchewan as compared with the scale existing in Manitoba depends on whether conditions in the former provinces in respect of traffic and other material factors differentiate these provinces from Manitoba. Where different divisions have different scales it is an established rate practice that in the interdivisional movement—both from the higher scale territory to the lower and from the lower to the higher—the higher scale applies. Consequently, if the Saskatchewan scale were wiped out as to the movement into Saskatchewan, while the Saskatchewan scale remained in Saskatchewan, an anomaly would present itself of the lower scale applying westbound while the higher scale applied eastbound.

The criticism of the revised rates both from the standpoint of ton mileage comparisons and from the standpoint of balances, has, in my opinion, not shown that the rates as put in are not in compliance with the order.

After careful consideration of the evidence, I am of opinion that the position should be reaffirmed that the determination as to the question of the difference between the Manitoba and Saskatchewan scales which is a factor in connection with the Saskatchewan "town" tariff which, however was not a part of the application with which the order dealt, should be dealt with as a necessary part of the investigation of western rates.

Assistant Chief Commissioner Scott concurred.

July 17, 1913.

Chief Commissioner DRAYTON:

The complaint of the Regina Board of Trade is that the order of the board of December 19, 1911, has never been carried into effect, and that the decision of the board interpreting it, made in July, 1912, is in error and does not give proper effect either to the original order or the considered reasons of the assistant chief commissioner on which it is based. The board's ruling of July 6, 1912, was made after full argument as to the effect of the former order. The original order, as well as the ruling as to what it meant, was made before I had any connection with the board.

At the recent hearing in Regina, before Commissioner Goodeve and myself, I expressed the view that it would be improper for me to pass on the question as to what was intended by the former orders, and that the members of the board who sat in the

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former hearing were best qualified to pass on what their direction covered; and I therefore, refused to reverse their considered finding of July, 1912. Leave, however, was reserved to the Regina Board of Trade to make such representations as it might desire, on a fresh complaint based on unfair treatment, or rates that Regina might still be subject to. Regina has not acted on this suggestion; but at the hearing in Ottawa last month, it still insisted that the whole question was covered by existing judgments of the board, and that the board's direction of July, 1912, was in error. The whole question, therefore, still depends on what was covered by the board's former orders. Commissioner McLean, after reviewing carefully and at length the whole situation, is of opinion that the board's orders means what the board declared it to mean in July, 1912. His judgment is concurred in by the assistant chief commissioner who wrote the original judgment in which Commissioner McLean in turn concurred.

Under these circumstances, it would be improper for me to interfere one way or the other. No one can be more fitted to pass upon the matter than Mr. Scott and Mr. McLean, who have been connected with the case since its inception.

In any event, the Regina rates with those of all other distributing centres of the West, will, in the near future, be dealt with apart from all questions as to the effect of previous proceedings.

July 30, 1913.

Mr. Commissioner GOODEVE:

I am in a similar position to the Chief Commissioner, not having been a member of the board at the commencement of this case nor a party to the original judgment, but I concur in the opinion he has expressed.

Mr. Commissioner MILLS:

I concur in the decision announced by the Chief Commissioner.

July 31, 1913.

RE RATES ON MILLFEEDS FROM LETHBRIDGE, ALTA., TO SWEET GRASS, MONTANA, U.S.A.,
OVER C. P. R. AND G. T. R.

Mr. Commissioner McLEAN:

Under date of March 15, 1913, the board received a complaint that the Canadian Pacific Railway had cancelled the rate on mill feeds hitherto existing from Lethbridge to Keremeos via Sweet Grass, Montana, and the Great Northern beyond. The rate which had existed was 42 cents per 100 pounds. Complaint was made that in place of this rate of 42 cents a rate of 65 cents was being put in by the Canadian Pacific.

The matter has been conducted entirely by correspondence and written submissions. The 42-cent rate was contained in the Great Northern Railway's tariff, C.R.C. No. 679, and from its wording it applied in both directions. The Great Northern tariff covered movements from points on its line to points on the Alberta Railway and Irrigation Company, and the latter by affixing their number, C.R.C., 165, also by filing with the board, lawfully applied it in the reverse direction. The situation appears to be that the Great Northern superseded the tariff filed by it by filing a new tariff C.R.C. 865, but the Alberta Railway and Irrigation Company by not affixing its number to the tariff and filing it as its issue permitted the rates previously in force to apply from points on its railway.

The rate which the Canadian Pacific, of which the Alberta Railway and Irrigation Company now forms a part, desires to put in force, is made up of a combination of local rates. The Canadian Pacific Railway Company in its reply states that the tariff from Lethbridge to Coutts is exactly the same as it was when the 42-cent rate was in effect, viz., 11 cents, but this does not meet the question as to the 42-cent rate being

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in effect from points on the Alberta Railway and Irrigation Company. Under date of July 11 the Canadian Pacific Railway Company filed Supplement No. 16, to A.R. & I. Co., C.R.C., No. 165, cancelling the 42-cent rate westbound, such cancellation to be effective August 18.

It does not follow that the tariff in question is to be automatically taken out by filing of a cancellation notice. Section 338 of the Railway Act provides that the joint tariff is to be effective until such tariff is superseded or disallowed by the board. The wording of the section makes clear that the board is not a mere automatic recorder of supercession, but that it has the right to exercise discretion based upon its judgment of the facts. The situation is that the new combination of locals not only advances rates considerably to exclusive points of the Great Northern in British Columbia, but also increases some of the commodity rates on sugar from Raymond to the Canadian Pacific's own points. It is also to be remembered that the distances are much shorter via Lethbridge than via Coutts. The following summary is pertinent in this connection:—

Grain and Grain Products				To Salmo via C.P., to Nelson to destination	To Keremeos C. P., to Nelson and G.N. to destination.	To Salmo A. Ry. to Coutts and G. N. to destination.	To Keremeos A. Ry. to Coutts & G.N. to destination.
From—	To	C. P.	Miles.	Miles.	Miles.	Miles.	Miles.
Lethbridge.....	Nelson....	27 cts.	334	42 cts. 368	65 cts. 596	27 cts. 665	42 cts. 765
Raymond.....	"	30 " 360		45 " 394	68 " 622	33 " 653	48 " 753
Magrath.....	"	31 " 371		46 " 405	69 " 633	34 " 664	49 " 764
Spring Coulee..	"	32 " 383		47 " 417	70 " 645	34 " 676	49 " 776
Cardston.....	"	33 " 400		48 " 434	71 " 662	34 " 693	49 " 793
Nelson to Salmo G. N.....		15 " 34					
Nelson to Keremeos.....	"	38 " 262					
Sugar.				Via Lethbridge & C.P.R.		Via Coutts and C.N.R.	
					Miles.		Miles.
Raymond Alta.—							
To Ainsworth.....				67 cts.	351	64 cts.	709
Kaslo.....				70 "	362	66 "	722
Elko.....				32 "	182	32 "	345
Keremeos.....				32 "	164	32 "	365
Hosmer.....				32 "	156	34 "	372
Phoenix.....				97 "	479	79 "	655
Nelson.....				60 "	360	60 "	687
Rossland.....				60 "	415	60 "	635
Grand Forks.....				85 "	455	76 "	631

Tariff References: C.P.R. W. 1600. G.N. 844. A. Ry. and I., 165.

I am, therefore, of the opinion that it should be declared that the joint tariff of the Alberta Railway and Irrigation Company C.R.C. No. 165, is lawfully in effect and that Supplement No. 16 thereto be disallowed; also that the board will be prepared to consider an application for the annulment of the said C.R.C. 165 on the publication and filing by the Canadian Pacific Railway Company of local and joint tariffs of rates from and via Lethbridge, which shall not be greater than those shown in the said C.R.C. 165, via Coutts, to points in British Columbia to which the rates of the said C.R.C. 165 are now lower than via C.P.R. from Lethbridge, having regard to the provisions of the Railway Act.

Chief Commissioner Drayton concurred

July 24, 1917.

SESSIONAL PAPER No. 20c

RE MILLING-IN-TRANSIT RATES—ST. THOMAS, ONT.

Mr. Commissioner McLENN:

Complaint is made of the abrogation of certain milling-in-transit rate arrangements which existed at St. Thomas for a limited period. By the Michigan Central tariff C.R.C. 1532, effective February 1, 1910, millers on the line of this railway, both in the United States and in Canada, were given milling-in-transit privileges on all-rail American corn over all routes to Canadian points east of Toronto and to the Eastern States. The Canadian Pacific, the Grand Trunk, and the Intercolonial were shown as parties to this tariff. Under this tariff, shipments of corn and corn products from Chicago to West St. John for furtherance to outports took New York domestic rates. Reference is also made to M.C.R. tariff C.R.C. 1533, effective February 1, 1910, by which milling-in-transit was permitted to all M.C.R. stations intermediate from original points of shipment to final points of destination. This, applicants contend, gave them a rate of 16.7 cents per 100 pounds, which with one-half cent for stop-off at St. Thomas made up a total rate of 17.2 cents.

The Intercolonial would not protect its division of this rate.

By M.C.R. tariff C.R.C. 1727, effective January 3, 1911, it was set out that the milling-in-transit privileges were not permissible on shipments milled in Canada destined to points on or via the Canadian Pacific, Grand Trunk, and their connections. This did not affect the other portion of the tariff in regard to United States mills and also in regard to milling at St. Thomas in connection with the Michigan Central's routes via the Niagara frontier. A miller at St. Thomas is, therefore, still in a position to reach the New Brunswick and Nova Scotia seaboard through the United States via Boston under milling-in-transit arrangements, the rates being the same to St. John, N.B., for the same destinations.

It is admitted that the limitation in respect of the movement to Canadian points was introduced because the other Canadian railways interested feared the effect of the extension of the milling-in-transit privilege in connection with furtherance from Maritime Province points to outports. It has been noted that the Intercolonial had taken the position of protecting its own millers and, incidentally, its own revenues, and had, therefore, refused to participate in the rate.

It is contended that the existing condition is discriminatory in respect of the mill located at St. Thomas, and that direction should be given for the restoration of the privilege in its entirety, as it for a short time existed.

The question of discrimination must be looked at from two standpoints:—

- (a) The treatment given to corn milled in Canadian mills.
- (b) The treatment given to corn milled at United States mills.

Dealing first with the question of the treatment given to corn milled at Canadian mills, it appears that the Canadian Pacific and the Grand Trunk are not granting to corn milled at Canadian points a transit arrangement on movements to West St. John for furtherance to outports. That is to say, mills on their own lines are, in this respect, given the same treatment as they contend should be given to the product coming to them from a connecting line and milled at a station in Canada located on that line. The Canadian Pacific and the Grand Trunk have tariffs under which milling-in-transit is granted for export. But this is a situation distinct from the present application. The Canadian Pacific also grants at Peterborough a milling-in-transit rate which is limited to local points in New England other than to points on the Boston and Main and on the Main Central. Formerly the tariff covering this movement did include points in Quebec on the lines of these two railways. Now, these have been cut out. Local rates east of Peterborough, therefore, govern. There also exist transit rates on corn meal from designated points to designated points in

Canada. The tariffs covering these, however, are distance tariffs covering only up to 300 miles. It is obvious that the movement under these tariffs is in no way comparable with the situation of which complaint is made.

There remains the question as to the treatment given corn milled in transit at United States points. M.C.R. tariff C.R.C. No. 1851, effective March 25, 1912, quotes from Chicago to West St. John for furtherance to outports the New York domestic rate of 16.7 cents. To this is to be added the one-half cent for stop-off at Detroit. To this tariff the C.P.R., the G.T.R., and the Intercolonial are parties. There is some dispute as to the actual movement from Chicago to West St. John over Canadian railways on this rate. But be this as it may, there is this rate arrangement quoted, while St. Thomas has a higher rate on the Canadian route. It is contended that it is discriminatory to grant a treatment to the United States miller which is not granted to the Canadian miller located on the Canadian route over which this commodity moves.

It is obvious that in respect to transit privileges on corn milled in the United States, the Canadian roads must, if they are to participate in the business at all, meet the rates of the American lines to common destinations. In the matter of the transit arrangements in connection with the corn meal for furtherance, the corn meal may move by schooner to the outports, either from West St. John or from Boston.

The rates made by the route to Boston, and which the Canadian lines have to meet to participate in the business, are exceedingly low. This is set out in the following tabular summaries:

M.C.R. and C.P.R. Chicago-West St. John, out of the rate of 17.2, less one-half cent for stop-off, the M.C.R. receives 20 per cent, the C.P.R. 70 per cent.

	Miles	Rate cents.	Ton-mile rate. cents.
M.C.R.-Chicago-St. Thomas	396	5.01	.253
C.P.R.-St. Thomas-West St. John	927	11.69	.252
M.C.R. division, including stop-off . . . . .			.278
For the distance of 1323 miles . . . . .			.260

M.C.R., G.T.R. and Intercolonial, Chicago-est St. John:

M.C.R.-Chicago-Hagersville	457	4.17	.182
G.T.R.-Hagersville-Montreal	397	3.69	.186
I.C.R.-Montreal-West St. John	735	8.84	.240
M.C.R. Division, including stop-off . . . . .			.204
For the distance of 1589 miles . . . . .			.216

As has been pointed out, there is available to the applicants a movement under milling-in-transit in connection with their Maritime Province seaboard business by way of the Niagara frontier and Boston. On this movement, the rates from Chicago are the same as the rates to St. John for the same destinations. When this was pointed out to the applicants they rejoined that "the fact that we may or may not have rates by some other route does not in the least justify our Canadian roads in such gross discrimination."

The rates as set out are so exceedingly low that the board would not be justified in directing their installation unless there was an affirmative showing that there was actual detriment flowing from the existing rate adjustment.

Discrimination is not a matter of rates in the abstract. It is true that on account of the existing rate adjustment the route by way of the Canadian lines is not open to the applicant. But it is not denied that there is available by way of the Niagara frontier the rates and privileges which are asked for over the Canadian route. It is

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not shown that there is any disadvantage arising from the use of this route. If and when disadvantage is affirmatively shown, it will be sufficient time to consider what form intervention by the board should take.

July 31, 1913.

Chief Commissioner DRAYTON:

The rates asked for are exceedingly low. I agree in dismissing the application.

RE PILON VS. GRAND TRUNK RAILWAY.

Chief Commissioner DRAYTON:

An application of Alex. Pilon, of Casselman, Ont., for an order rescinding the order of the board No. 5390, dated August 13, 1908, declaring a charge of \$3 per car to be made by the Grand Trunk Railway Company, over and above the company's station rate on brick, to be a reasonable charge for the additional service of switching and handling the traffic from the siding of the applicant Pilon, about 2½ miles west of Casselman station.

The present application is based on the order of the board No. 8631, dated November 10, 1909, declaring that the Grand Trunk Railway Company was not entitled to make any extra charge, over and above the station to station rate, for switching traffic from Christie, Henderson & Company's quarries situated about 2½ miles from Hespeler, Ont.

The original Pilon complaint, heard at Ottawa, June 23, 1908, was treated by the board as one unaffected by other than normal conditions, the practice of the railway company elsewhere not being clearly in evidence. At the hearing of the Hespeler case at Toronto, on the 16th of October, 1909, evidence was given that at a large number of places in Ontario the company, under more or less similar circumstances and conditions, made no extra charge for the service of switching from sidings located between stations, and although given an opportunity of doing so, the company failed to rebut this evidence. In the course of the hearing the late chief commissioner remarked: "There seems to be a good deal in this case that I did not hear about in the Pilon case. How can you make one man pay, and not charge another man?"; and, again, "It seems to me that this thing must turn upon your established practice." Had similar evidence been adduced in the Pilon case, I have no doubt that the judgment would have been a different one.

Pilon's siding is situated between Casselman and South Indian stations. South Indian does not appear to be a brick-shipping point, but it has been shown that Casselman is; and as, on that account, Casselman has been given certain special rates, it would clearly be unjustly discriminatory to apply the higher mileage schedule to the traffic of the applicant, who is but 2½ miles from Casselman and is in competition with the Casselman manufacturers; and in view of the evidence in the Hespeler case, I am unable to find that the additional switching charge complained against should be continued.

Nothing has been said at the hearing of the present application at Ottawa on the 18th February last which would seem to show the existence of exceptional conditions at Casselman, or to warrant a different practice than has not been disputed to exist at other points on the company's lines, I am of the opinion that an order should go granting the application.

Commissioners Mills, McLean and Goodeve concurred.

Order rescinding order of the board No. 5390, issued.

July 31, 1913.

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RE WESTERN FREIGHT RATES CASE.

Chief Commissioner DRAYTON:

Prior to the last adjournment of this case, which was made on the 25th of June, 1913, the board directed that the exhibits embodying Mr. Mueller's evidence, and which he was then preparing, should be filed in six weeks time, and that written statements embodying the position which different parties to the issue desired to take both on these exhibits and on all other matters arising in the investigation, should be served and filed within three weeks after Mr. Mueller's exhibits had been filed and served.

Mr. Whitla, who appeared on that occasion, stated that it was doubtful whether the exhibits could be finished by that time, and that he had not yet been able to obtain all information from the companies which Mr. Mueller desired. This information the companies were directed to supply, and expressed themselves as willing to furnish, stating that it would be available, probably, within twenty days. Mr. Whitla's idea was that the exhibits would be completed by the first of September.

Bearing these dates in mind, and no further complaint having been received by the board as to the lack of production on the part of any parties to the issue, the board, on the 9th inst., fixed Monday, the 29th inst., for the resumption and completion of the inquiry. After fixing this date, the board for the first time was advised that its direction had not been carried out.

On the 13th inst., a letter was received from Mr. Pitblado, who appeared for the Winnipeg Board of Trade, calling the board's attention to the fact that, at the hearing which was held in June, it was agreed that all parties should have three weeks, after the furnishing of certain further material which was then being prepared by Mr. Mueller, within which to file with the board their positions in regard to certain points outlined by the board; that the further material from Mr. Mueller had not yet come to hand; that part of it was not ready; and that he (Mr. Pitblado) was, therefore, unable to file with the board a statement of the position of his clients in regard to the points raised; and, further, that the investigation in his view would not be materially advanced without Mr. Mueller's exhibits being before him (Mr. Pitblado), in sufficient time to properly look into the same before a further hearing.

A similar letter was received from Mr. Phippen, Counsel for the Canadian Northern Railway Company, stating that he was as yet without a copy of Exhibit 6, the preparation of which he understood had not yet been completed, and that until the copy had been received in accordance with the direction of the board and an opportunity given the company's officials of considering it, it would be impossible to proceed with his presentation of the case.

I find that the position was brought by the board to the attention of the Government counsel, and that a letter was received by the board from Mr. Whitla, on September 20, as follows:—

WINNIPEG, September 17, 1913.

File 18755.

Western Rates Case.

"DEAR SIR,—I am in receipt of your favour of the 12th instant enclosing copy of letter from F. H. Phippen, K.C., dated 10th September.

"For the information of the board, I desire to state that the remainder of the Government's case in chief will consist of a further series of three exhibits, Nos. 4, 5, and 6, which are voluminous and have occupied nearly the whole time since the last sittings of the board on this case in their preparation. Series 4 is now in the printer's hands and will be completed this week, and draft copies have been furnished to counsel for the railway company. Series 5 is also in the printer's hands and will be completed this week, and draft copies have been furnished to counsel for the railway company. In regard to series 6, which is a

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most important exhibit and will comprise compilations of figures, deductions, and argumentative matter, I beg to state that it is altogether unlikely that this will be completed until practically the date of the hearing, and, therefore it will be impossible, owing to the fact that the commission has fixed the date for the 29th instant without inquiry as to the state of preparation of the Government's case, to furnish copies of this last exhibit to counsel as requested.

"I desire to emphasize the fact that Government counsel and their experts have made every endeavour possible to have their case completed without any loss of time but the work involved has been so voluminous and exhaustive that the time allowed has not been sufficient for the purpose. If it is found possible, however, to complete series 6 at an earlier date, every effort will be made to accomplish this, and draft copies will be furnished to counsel as soon as it is possible for us to do so. It appears to me, however, that the first five series of exhibits will contain the bulk of the case for the Government, and it is not likely that the railway companies will be embarrassed in the slightest degree by not having received copies of the final exhibit."

The board is also advised that Mr. MacDonald, who has acted in this case throughout in the interests of British Columbia, a province very vitally interested in the issue, has withdrawn from the case; and that it is necessary that an adjournment should be made to allow other counsel to be instructed.

Under these circumstances, no useful purpose can be served by attempting to proceed on the 29th of September.

To hold another sitting without the final exhibits being in the hands of all counsel simply means further enlargements and preparation of further statistics and comparisons. The request of British Columbia for a short adjournment should, in any event, be granted. To proceed on the 29th instant would simply mean denying that province representation at the most important stage of the whole inquiry.

Under these circumstances, the board, with reluctance, cancels the appointment of the 29th instant. The date for the resumption and completion of the inquiry will be fixed by the board after the expiration of ten days. This will give the parties sufficient time to write the board their views as to when the matter can proceed.

The parties will, however, bear in mind that the inquiry must terminate at the earliest possible moment.

During the whole past year other appointments of the board have been subordinated entirely to the hearings of this case, not only so far as the time actually given to it is concerned, but also in reserving for the parties considerable time in the hope that the case could be expedited.

We all realize that the matter is one of great magnitude, and that delays are inseparable in the presentation of such a case. Counsel, however, might just as well understand that no more adjournments will be granted for the purpose of further evidence, and that the date, when fixed, after the parties have had the opportunity which is now given to express their views, must and will be final.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean, and Goodeve concurred.

RE CARTAGE ARRANGEMENTS IN EASTERN CANADA.

Mr. Commissioner McLEAN:

Mr. Ransom, Chairman of the Advisory Committee of the Canadian Freight Association, gave notice that on or about July 1, the railways would issue cancellation notices of their cartage tariffs, these cancellations to become effective October 1, 1913. Following this, representations were received from different trade bodies. The Toronto Board of Trade represented that the custom of collection and delivery of freight by

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the railways was of long standing, and that its discontinuance would necessitate a radical change in the method of handling. It also stated that a change in the methods of cartage would, unless the railways adopted an improved plan of handling, lead to congestion in terminals. The date proposed, namely, October 1, for the abolition of the service, was objected to on the ground that it was a cancellation in one of the busiest periods of the year; and it was asked that the board should suspend the cancellation circulars until such time as the railways "satisfied the commission that adequate facilities and accommodation" would be provided by the railways adapted to the change of conditions. The representations made by the London Board of Trade were in substance the same. The Hamilton Board of Trade sent in a communication which included a resolution setting out that the date of October 1 was inopportune for such a change, and further setting out—

"The members of this board would therefore urge the continuance of this cartage service as at present in force particularly while the fall trade is on at which time the volume of business is exceedingly heavy, and also to give time for a comprehensive study of transportation conditions at the terminals involved."

The other positions developed were similar to those contained in the letters already referred to.

It seemed to the board that the date chosen for the cancellation of the tariffs was inopportune, since it would necessitate rearrangements in the midst of an exceedingly busy shipping season. The results of such an arrangement at such a time would of necessity cause a great deal of friction and delay. The board therefore took the matter up with the railways with a view to arranging that if the railways were determined to discontinue their cartage service, the change should not be made until after navigation had been closed and the Christmas rush was over.

As a result of the negotiations which took place between the railways and the cartage companies, the board was advised under date of September 17 as follows:—

"We are now pleased to inform the board that this arrangement can be so continued with the cartage companies, but at rates much in excess of the contracts formerly and currently existing.

"That, as a matter of fact, some of the railways have been obliged to make payments to the cartage companies at rates much in excess of the contracts previously existing, in order to maintain the cartage service to September 30, 1913.

"That the tariffs of the Canadian Railway effective January 27, 1913, while affording some relief, have placed an undue burden of cost on the transportation companies, through the changed condition of affairs, so much so that in the event of extending the arrangements between September 30 and December 31, we find it necessary in issuing new tariffs to provide for collection from the public at all cartage stations of a rate of 3 cents per 100 pounds, with a minimum of 20 cents."

The railways were advised that it was desired that the positions taken by the Montreal Board of Trade, the Canadian Manufacturers' Association, and the Toronto Board of Trade in the matter should be signified to the Board. Under date of September 18, Mr. Tilston, on behalf of the Montreal Board of Trade, stated as follows:—

"The interests I represent are anxious that the present railway cartage system be continued, are willing and have agreed to pay the proposed charge of 3 cents per 100 pounds, with a minimum of 20 cents.

A telegram was received from Mr. Walsh, under date of September 23, stating that the Manufacturers' Association was agreeable to the propositions outlined, and hoped that it would be continued permanently, and trusted that the board would concur in the arrangement.

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The board is also in receipt of a letter from the secretary of the Montreal Grocers' Guild, dated September 24, pressing for the sanction of the board of the advance charges for the period outlined. The board has just received from Mr. Marshall of the Toronto Board of Trade the position of that Board of Trade, which is set out as follows:—

"The position of this board with regard to the rates for cartage is the same to-day as it was in December last, at the hearing when the railways proposed to advance the rates then in effect, namely, that the charge for the railway cartage service as originally established was wholly included in the freight rates to and from so-called cartage points, and at present the railways are absorbing less than the amount they did prior to the publication of cartage tariffs in 1892, providing for the collection of a certain proportion of the cost from the public."

Mr. Marshall further states, on behalf of his Board of Trade, that the rates during the period of extension proposed should be the same as at present.

The board is also in receipt of a letter from the Hamilton Board of Trade stating that—

"In preference to cancelling the cartage arrangements, the Hamilton Board of Trade prefer to submit to the new cartage rates from now until the end of the year as a temporary measure with the understanding that it would not prejudice our case in future discussions or negotiations."

While the cartage rates are quoted in tariffs filed with the board, the board has no jurisdiction over the cartage companies performing the service, and the rates upon which they perform the service for the railways are dependent entirely upon contracts over the terms of which the board has no control. While the question of long continued custom has been raised as a justification of the further continuance of the cartage arrangement, the board's power to direct in the matter must be founded on the Railway Act. The board recognizes that the arrangement has been a convenience; the board will be pleased if a satisfactory arrangement as between the railways and the shippers can be worked out for a continuance of the arrangement; but the situation is that while the railway may of its own volition enter into an arrangement with cartage companies for the performance of the service on certain terms, the board has no power under the Railway Act to order it to make arrangements as to these cartage services with bodies over which it has no control whatever. The question of facilities is raised, and it is alleged that the disruption of the present arrangements will mean that there will be inadequate facilities afforded at various terminals. The obligation of the railways to furnish adequate facilities is covered by the terms of the Railway Act, and regardless of any arrangement as to cartage methods, the railway has on it the obligation of providing proper facilities.

While the approval of the board has been asked for the proposed tariff, the tariff being a special one is one which does not require the affirmative approval of the board. The matter is one of urgency, and it is now open to the railways to file tariffs to be effective October 1.

Chief Commissioner Drayton, concurred.

September 25, 1913.

RE ADVANCED CARTAGE CHARGES.

Mr. Commissioner McLEAS:

Under date of August 5, the railways in Western Canada issued a notice that, effective October 1, the practice of advancing cartage charges on outward shipments and the collection of same from the consignees at destination would be discontinued.

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The position of the railways in the matter may be taken as set out in the following statement from the Canadian Northern:—

"For many years the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific included in their Winnipeg tariff the cost of cartage. This practice was discontinued on the 15th of May, 1912, but during the period when Winnipeg was eliminated from tariffs, including the cost of cartage, important jobbing interests developed in such cities as Regina, Calgary, Saskatoon, and Edmonton, and under arrangement with the draymen performing the service in these cities, the cost of cartage on outward business was added to the freight bill and collected from the consignees.

"With the abrogation of cartage in Eastern Canada, October 1, the action was taken to harmonize the practice throughout Canada. Following the discussion respecting the abrogation of cartage in Eastern Canada, the Retail Merchants' Association of Prince Albert appealed to the board against paying the cost of cartage on shipments received from Winnipeg, Saskatoon, Regina, and other points where this arrangement was in force and as the board intimated to them that this practice was irregular we abandoned same."

Various protests against the terms of this notice were subsequently received from the jobbing interests concerned.

On the other hand a strong protest against the continuance of the arrangement was set out in a telegram from Mr. H. L. Montgomery, of Deloraine, Man., setting out the existing arrangements as unjust to the country merchant, and that the jobbers should "meet the country merchants in the open by adding the cartage to their invoices."

The proposed change comes at an awkward time so far as business is concerned. It is not only a busy season because of the laying in of fall stocks by the consignees, it is also a time when the traffic handled by lake and rail is being rushed forward for western dealers. It is further represented to the Board that the existing cartage arrangements are dependent upon the arrangement as to advance charges which has been entered into by the railways. The railways state that as a matter of business practice, they cannot agree to look after the advance charges and collection business of every individual drayman, since it would lead to their books being cumbered with a multiplicity of accounts. This plea from the standpoint of business practice is, however, aside from the question of the legal right of the railways so to act.

The board has already made clear its position as to the legal status of the matter. It desires that the proper arrangement should take place and as soon as possible. But in desiring that the proper arrangement should take place as promptly as possible, it at the same time recognizes that in view of the custom which has in this respect developed it is in the interest of all concerned that the change should be made with a minimum of dislocation of business in respect of cartage to and from the railway. When the protests against the disturbance of the existing arrangement were received, there were at the time negotiations pending in Eastern Canada regarding the cartage service, cancellation notices in regard to which have been filed, effective October 1. Bearing in mind the tiding over the transition period, the board suggested to the railways that the existing arrangements as to advance charges and collection in Western Canada might be continued until January 1, 1914.

It has been represented to the board that the shippers will, at the earliest possible moment, take up with the railways and the cartage companies the question of working out some system which will obviate the present objectionable features. It has not the power, nor is it attempting to exercise power or modify in any way the rights and obligations of the parties to the shipping contract.

The question as to whether the consignees should or should not pay advanced cartage to the railway is one entirely of contract between the parties. The Board has nothing to do with it, nor is the work done by the railway in any manner a railway service of facility within the meaning of the Railway Act.

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Changes of long-standing practices always involve more or less inconvenience, dislocation of business, and delay. October 1 is about as bad a time for the proposed cancellation as could be selected. Under the circumstances the board will make no order in this matter until after January 1, 1914.

Chief Commissioner Drayton concurred.

September 25, 1913.

RE COMMUTATION TICKETS, G.T.R. BETWEEN ST. HYACINTHE AND MONTREAL.

Chief Commissioner DRAYTON:

This is an application made on behalf of the town of St. Hyacinthe, Que., for an order directing the Grand Trunk Railway Company to sell commutation tickets between St. Hyacinthe and Montreal.

It was shown at the hearing that St. Hyacinthe is 35.67 miles from Montreal, and that the longest distances out of Montreal that the Grand Trunk Railway Company now sells commutation tickets are to St. Johns, 27 miles; to Vaudreuil, 24.45 miles; and to St. Hilaire, 23 miles.

The regular tariff rate from Montreal to St. Hyacinthe is \$1.20; and the commutation rate asked for 60 cents per ticket for a book of ten tickets covering that number of trips to and from St. Hyacinthe, said tickets to be used within a specified time.

The rate is desired on the ground that, with it, St. Hyacinthe would have an opportunity of bringing into its community a part of the population which is moving to the country every summer,—that St. Hyacinthe would become a summer resort, which would be a benefit to the railway company, the people of St. Hyacinthe, and the community generally.

I pointed out at the hearing that the application was covered by the judgment of the board in the Brampton case; and judgment in this case has been reserved only for the purpose of giving the parties an opportunity of distinguishing this case from the Brampton case. This has not been attempted; and, in my opinion, the only distinction is that the Brampton case is much stronger than the case now under adjudication, as the Applicant there shows that the railway company had a commutation rate from Toronto to Oakville in effect, a distance of 21.14 miles, while Brampton had no commutation rate and was distant from Toronto only 21.1 miles; so, in order to give effect to the application, it was not necessary in that case, as it would be in this to extend the zone from the common centre to and from which commutation tickets should be issued.

Reference may be had to the reports of the Brampton application, which are to be found under the head of *Wegenast vs. Grand Trunk Railway Company*, 8 Canadian Railway Cases, page 42, and *Toronto and Brampton vs. Grand Trunk and Canadian Pacific Railway Companies*, 11 Canadian Railway Cases, page 370.

Commissioner McLean concurred.

September 30, 1913.

RE CARLOAD RATING OF PEANUT BUTTER.

Chief Commissioner DRAYTON:

This is an application made by Mr. T. Marshall on behalf of the Traffic Department of the Toronto Board of Trade, for an order requiring railway companies to provide a carload rating as of the fourth class for peanut butter.

The application was heard at Montreal on July 8, 1913, when leave was reserved to Mr. McInnes, who appeared on behalf of the railway companies, to file a written statement showing the effect that the extension of a carload rating on peanut butter

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would have on the companies' revenues. No such statement has been filed by Mr. MacInnes, nor perhaps would such a statement be of much use in determining the question now under consideration.

In support of the application, it was shown that one particular shipper shipped some 490,000 pounds of peanut butter in Canada, which, if loaded in earlots would have meant at least a movement of twenty cars properly loaded to the minimum.

The railway companies' objections are based on the grounds of (1) losses of revenue; (2) the impropriety of changing the classification here and there without a consideration of the whole question on some broad general principle urging indeed the consideration of a reconstruction of the whole classification; (3) no possibility of any movement of peanut butter in earload lots; and (4) that the underlying reason for the application was simply to obtain the benefit of the mixing privilege.

To a large extent I think that the railway companies are correct in their submissions. I do not think, however, that their submissions answer the application. The board cannot very well, of its own motion, take up the question of reconstructing the classification so as to more properly meet the exigencies of to-day's railway situation, and the demands of commerce. Both the shippers' associations and the railway companies have intimated that it would be a proper thing to do, but neither of them apparently seem to want to do it.

The board has intimated that, in its view, the matter should be taken up in conference between the shippers and the railways, and at the present will not do more. This condition affords no reason why, if the present method of classification demands it, an extension to cover any given commodity should not be made.

So far as earlot movements of peanut butter are concerned, I do not anticipate any considerable movement. The manufacturer, it is true, may ship in earload lots, but the majority of the movement of peanut butter, I think, will undoubtedly be in less than earload lots; and the real advantage that the shippers will obtain by the board's giving effect to the present application will be the mixing privilege.

This, again, seems to me to be no reason why the order should not be made. The same can be said of many of the commodities appearing on the grocery list, which includes peanut butter.

Section 317, subsection 3 (c), prohibits railway companies subjecting any particular person, or company, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Rightly or wrongly, I think rightly, the railways have included peanut butter in the grocery list. The term "butter" is rather a misnomer. The article which from the name might be said to be in competition with butter, is, as a matter of fact, more in competition with jams and relishes. Jams and jellies receive a carload rating, as does honey, as well as pickles and the like. Why the line should be drawn in the grocery list at peanut butter, I do not know. Practically everything in the grocery list has a carload rating, and so long as the present classification continues in force, there is no reason, in my mind, why peanut butter should not receive it.

November 20, 1913.

Mr. Commissioner McLEAN:

I am of opinion that the rating as asked for should be given.

Order issued requiring that the Canadian Freight Classification be amended by the addition of a rating of fourth class for peanut butter in earloads, and that the said amendment included in the proposed Supplement No. 2 to the Canadian Freight Classification, No. 16, submitted by the Canadian Freight Association for the approval of the board.

RE RATES ON IMPORT WOOD PULP.

Mr. Commissioner McLEAN:

Complaint was made by the Howell Company of Toronto in regard to the increase of freight rates on import wood pulp to various points on the Canadian Pacific, Cana-

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dian Northern, and Grand Trunk. It was stated that in 1913, the C.P.R. and the Canadian Northern had a rate of 6 cents per 100 pounds on this commodity, in earloads, from Montreal to Shawenegan Falls, while at the same time the C.P.R. rate to Grand Mère, Joliette, and Lachute was 8 cents per 100 pounds. To Kingsley station and Windsor Mills, the Grand Trunk rate was 9 cents. As a result of the negotiations between the applicant and the railways, the C.P.R. rates to the points mentioned were reduced to 6 cents per 100 pounds, while the Grand Trunk reduced its rate to Windsor Mills and Kingsley Station to 7 cents. The railways had these rates in effect in 1912, and gave notice that they were limited to the shipping season of that year. It is not necessary to enter into the reasons why the reduced basis to Shawenegan Falls came into existence, or why the rate was again placed at 8 cents in 1913. The applicant amended his application so that the complaint was concerned with the rate to Windsor Mills alone.

The applicant handles imported sulphite pulp. The imported sulphite pulp is used by the Belgo-Canadian Pulp and Paper Company at Shawenegan Falls. It is also used by the Canada Paper Company at Windsor Mills, to which the applicant sells sulphite pulp. He states that owing to the higher rate to Windsor Mills than to Shawenegan Falls, this militates against the possibility of his doing business at Windsor Mills. The applicant refers to this rate difference as being between 2 and 3 cents per 100 pounds. As, however, the rates to Shawenegan Falls and to Windsor Mills are now 8 cents and 9 cents respectively, the difference is one cent.

The difference in rate treatment as between Windsor Mills and Shawenegan Falls does not necessarily create a discrimination since the points are on different systems of railways. The contention of the applicant is in reality concerned with the reasonableness of the rate from Montreal to Windsor Mills.

By way of the C.P.R. to Shawenegan Falls, the distance from Montreal is 116 miles; by the Canadian Northern to the same point, it is 94 miles; while the mileage from Montreal to Windsor Mills is 87 miles. The rates are stated.

Consideration of the tariffs on woodpulp in force between other points on the Grand Trunk shows that they are not worked out on a mileage basis. The following statement covers a number of points, indicating the rates and minimum applicable:—

	Miles.	Min. 40,000 pounds.
Danville to Cornwall	154	5 cents.
Ottawa to Brompton Falls	208	5 "
Merriton to Georgetown	61	6 "
Hawkesbury to Cornwall	67	6 "
Merriton to Thorold	69	6 "
Campbellford to Toronto	125	7 "
Ottawa to Mille Roches	113	6 "

It would appear from this statement that the rates are made for particular points.

In a statement submitted by the Grand Trunk, it is set out that there are Montreal special charges amounting to about 2½ cents per 100 pounds. These are as follows: handling 30 cents per ton; rail carriers' proportion of wharfage, 3 cents per ton; Montreal Harbour Commissioners' switching \$2.50 per car, 17 cents per ton, making a total of charge for Montreal terminals of 50 cents per ton.

While, as has been indicated, the local movement of woodpulp was not worked out on a mileage basis, it would seem not to be unfair to take the rate from Ottawa to Mille Roches, viz., 6 cents, as affording some measure of the rate. However, it must be noted that the shipments from Montreal to Windsor Mills move on the minimum of 36,000 pounds, while from Ottawa to Mille Roches the minimum is 40,000 pounds; that is to say, if the 6-cent rate were applied to the movement from Montreal to Windsor Mills on a 40,000 pound minimum, it would mean an increase of 11 per cent as compared with a 36,000 pound minimum, or a rate of 6.76 cents.

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The question of the terminals must be considered. In the case of a movement from Montreal to Windsor Mills, reference is made only to one terminal, viz., at Montreal; so the rates on the local product may be looked at in the same way. Attention may be devoted to one terminal alone.

While the railways have set out terminal charges of 50 cents, applicant admits that a terminal charge of 20 cents would be reasonable; but in addition to this there must be considered the special charges in respect of the rail carriers' proportion of wharfage and the Harbour Commissioners' switching charge at Montreal. This would add 1 cent to the rate as figured out, making a total of 7.76 cents. The question of the difference between the 20 cents for terminal charges, which the applicant admitted would be reasonable and which may be connected with the item set out by the railway as being charged for handling, and the 30 cents as set out under this heading was not analyzed by either of the parties, and there may be some doubt as to the exact terminal charge.

Comparing the rate as charged with the rates of the local product, and taking into consideration the mileage involved and the charges which have to be borne at Montreal on the imported product as compared with the movement on the local product, I am of the opinion that 8 cents is a reasonable rate for the movement from Montreal to Windsor Mills, and that order should go accordingly.

Chief Commissioner Drayton and Assistant Chief Commissioner Scott concurred.
December 3, 1913.

RE MILLING-IN-TRANSIT RATES—ONTARIO AND MANITOBA FLOUR MILLERS.

Assistant Chief Commissioner SCOTT:

The applicant company has a mill situated at Sudbury, Ont. It applies for the same milling-in-transit rates as are enjoyed by millers west of Fort William.

The present rates available to the Applicant Company are covered by C.P.R. Tariff No. E-777, C.R.C. No. E-1196, and Supplement No. 25 to that tariff. This gives it the through rate from the point of shipment of the grain to the destination of the product, with a 1 cent per hundred pounds stop-over for milling-in-transit, to all C.P.R. points east of Sudbury via the mainline; westerly on the "Soo" branch, and south to Toronto and intermediate points on the C.P.R. Sudbury-Toronto line; also, to points on the O. & N.Y. C.N.Q., Quebec Central, Intercolonial, and (in Canada) on the Central Vermont and Boston & Maine lines. There is also a through rate, with 2½ cents per hundred pounds added, to the C.P.R. stations Leaside Junction to Smith's Falls and stations on the Lindsay subdivision.

The mills west of Fort William, under Tariff No. W-2772; C.P.R. No. W. 1769, with certain limitations and subject to certain conditions not relevant here, get the through rate from the point of origin to final destination plus 1 cent per hundred pounds for milling, to any point east of Fort William. As all the older parts of the province of Ontario are east of Fort William, these mills have the privilege of shipping into any part of that territory on the through rate, with the milling-in-transit charge of 1 cent per hundred pounds added. As will be seen from the limitations put upon the shipments from Sudbury, under Supplement No. 25 to Tariff C.R.C. No. E-1196 above mentioned, the same privilege is not enjoyed by the applicant company; and it now asks that, in this regard, it be put upon an equality with the mills west of Fort William.

The applicant company, unlike those operating other mills in Ontario east of Fort William, is without a local source of supply and is dependent upon the grain of Western Canada; and, further the great bulk of its requirements must, necessarily reach the mill over the all-rail route. The Ontario mills south and west of Sudbury

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have the advantage of local grain as a source of supply, and are in a position to get the advantage of the combination of the low water rates to, and the special rail rates from, the eastern lake port elevators.

In addition to the opposition of the Canadian Pacific Railway Company, this application is opposed by Mr. Watts of the Dominion Millers' Association, who contends that the underlying principle of the milling-in-transit arrangement, as understood in Canada, is that it is "a moving forward" of the manufactured product from the "milling point" towards the "seaboard". He adds that, "there is no provision in our tariff for a backward movement." The railway company did not follow the "seaboard" idea when it voluntarily gave milling-in-transit rates to the Sudbury mill on re-shipments to points on the "Soo" line. Further the "seaboard" idea was not followed by the railway company when it issued the present tariff giving the mills west of Fort William milling-in-transit rates to western Ontario. Flour shipped from Kenora to London, or Guelph, is nearer the seaboard when it passes the applicant's mill at Sudbury than when it reaches its destination.

The question for us to determine is not one of milling-in-transit, but one of unjust discrimination.

The applicant is not asking for any extension of the milling-in-transit principle in and of itself. It only asks that there be no discrimination in favour of its competitors west of Fort William. Since these mills have milling-in-transit rates which enable them to ship through Sudbury to any point in Ontario, I think similar rates should be given the applicant company.

The circumstances and conditions with respect to the traffic from the mills west of Fort William and the mill at Sudbury are substantially similar; and, in my opinion, the present tariffs unjustly discriminate against Sudbury. In this view our chief traffic officer agrees with me.

Therefore, I think an order should go, giving the privilege of milling all-rail grain at Sudbury, in transit from Port Arthur, Fort William, and points west thereof, at the through rate of all points east of Sudbury and the Detroit and St. Clair rivers reached by millers west of Fort William under milling-in-transit arrangements, subject to the regulations and restrictions thereof; and, subject, also to the same additional toll of 1 cent per hundred pounds for the terminal service at Sudbury.

Commissioner Mills concurred.

December 10, 1913.

RM EASTERN TOWNSHIPS LUMBER COMPANY, LIMITED, AGAINST PROPOSED INCREASE ON PULPWOOD FROM STATIONS ON THE LINE OF THE TEMISCOUATA RAILWAY TO POINTS IN NEW YORK STATE AND OTHER POINTS REACHED BY THE INTERCOLONIAL RAILWAY.

Mr. Commissioner McLEAN:

The Temiscouata Railway issued, on December 20, 1913, a joint freight tariff on pulpwood to be effective January 24. The movements of pulpwood from points on this line are dealt with at present by the railway under four groups. These, with their rates, are as follows:—

Group 1, St. Modeste to Whitwork.	17 cents.
" 2, 17½ Mile Siding to Vauban.	17 "
" 3, 35 Mile Siding to Hayes.	17½ "
" 4, Notre Dame du Lac to Connors.	18 "

The tariff whose effective date is the 24th instant, provides for one-half cent increase in each of these rates.

While the Intercolonial railway is not subject to the board's jurisdiction, the board is advised that the Intercolonial has hitherto on the movement of pulpwood over the Temiscouata taken as its proportion from Rivière-du-Loup, where pulpwood is trans-

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ferred to the Intercolonial, 14 cents. The through rates as at present existing are made up of the addition of the local rates for the four groups above set out to this proportional from Rivière-du-Loup.

Under a new local tariff which was to have been effective January 1, the local rates for pulpwood on the Temiscouata Railway for local delivery to Rivière-du-Loup were increased. From group 1, above set out, no change was made in the local; but from groups 2, 3, and 4 the locals were increased by one-half cent. This local tariff was suspended pending investigation. It will appear that, except in the first group, the new through rates as proposed are made up by the addition of the increased locals to the Intercolonial portion as above set out.

It has been the practice in the past for the Intercolonial to publish tariffs naming rates on pulpwood from stations on its line, and to include therein rates from Temiscouata Railway stations. The tariffs although so published by the Intercolonial were filed by the Temiscouata Railway, which was a participating carrier therein. Effective the same date as the proposed new Temiscouata joint freight tariff, the Intercolonial filed supplements to their tariffs eliminating the Temiscouata as a participating carrier.

The board in dealing with the question of rates on pulpwood to points in the United States permitted, in its judgment of February 24, 1913, certain increases, with the proviso that these increases were not to be effective until August 15, 1913. The object of this proviso was to permit contracts already entered into by shippers to be looked after, it being recognized that since the contracts had been made it would necessarily happen that any addition to the rate during a period which would reasonably permit of the fulfilment of the contracts would of necessity have to be borne by the shipper. Under this judgment, the rate increases varying from one-half cent to 3 cents per 100 pounds were permitted. In the case of shipments by the Grand Trunk to Fort Edward and Watertown, the increases in the Grand Trunk portion of the rate on shipments from Windsor Mills, Dixville, Danville and Point Levis varied from .57 of 1 cent per 100 pounds to 1 cent. In the case of shipments by the C.P.R. to the same points, from Three Rivers, Scotstown, and Mont Laurier, the increases sanctioned were from 1 cent to 1½ cents per 100 pounds, there being an increase of 1½ cents in the case of shipments from Mont Laurier to Watertown.

In view of the full consideration which was given the matter of pulpwood rates in this judgment, and the various factors dealt with by the board therein, it would appear that the application of the Temiscouata Railway falls within the general position set out by the board, unless there are conditions which properly distinguish the Temiscouata Railway from the Canadian Pacific and the Grand Trunk.

Under the increased rates which were so sanctioned by the board, the rates from points on the Temiscouata Railway over the Intercolonial were increased by 1 cent. All of this increase was taken up by the Intercolonial, which is not subject to the board's jurisdiction.

The Temiscouata states that it did not look for any increase in rate at the time on account of the car shortage which had for some time existed. It, however, considers that the condition of its business justifies the application for an increase, and that the half-cent per hundred pounds which it asks for is not undue.

The Temiscouata Railway for the statistical year 1913 handled 187,553 tons of revenue freight. The great bulk of the traffic handled on this road originates thereon, no less than 92 per cent of the tonnage originating on the road. It will be found that of the tonnage originating on the road, 93 per cent is concerned with forest products, while of the total tonnage carried by the road 87.4 per cent is represented by the same item. The importance of the forest product tonnage may be shown another way. By taking up the more important items of freight the following result is obtained, in

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percentages, of the total traffic moved on the road: Anthracite coal and bituminous coal, 1.7 per cent; manufactures, 2.7 per cent; products of agriculture, 4.9 per cent; miscellaneous, 3.7 per cent; and forest products, 87.4 per cent.

Out of the approximately 14,000 tons of freight which are received from other railways, it will be found that agricultural products, manufactures, merchandise, and miscellaneous account for 12,500 tons. The statements of Mr. Grundy on behalf of the railway company that the traffic is highly specialized, being concerned, for the greater part, with low grade bulk commodities, and that there is but little inbound freight, are substantiated by an analysis of the returns made to the Government.

The average haul per ton is 43.35 miles. The length of the road is 113 miles. In the handling of the pulpwood tonnage, it appears to be impossible to obtain train-load figures, as the bulk of the pulpwood apparently is handled on mixed trains. The freight train mileage on the Temiscouata is, to the mixed train mileage, as one is to seven. While the preponderance of mixed train mileage vitiates somewhat any averages computed as to the tonnage per train, subject to this caution it would appear that the average tonnage per train moving freight is 97 tons. The figures for the year 1912, which were the latest available at the time the judgment on pulpwood rates was given, may be referred to. There is nothing in the judgment to show that these figures which are now being cited were used as a basis in arriving at the conclusions contained in that judgment; but the general traffic condition at the time of the judgment, of the roads affected, is a factor which may now legitimately be used for comparative purposes.

The average haul and the average tonnage per train of the Temiscouata Railway have been set out. For the year 1912 the average haul per ton on the Canadian Pacific Railway was 372 miles, while the average tonnage per freight train was 392. In the case of the Grand Trunk Railway, the figures were, respectively, 304 and 102.

It is stated by the Temiscouata that its railway is disadvantageously situated, fifty per cent of its line is said to have one and one-half per cent grades. In a memorandum submitted by Mr. Grundy, the following computation is given:—

“Engine, sixteen empty box cars and train crew leave Rivière-du-Loup and set out sixteen empties at St. Jacques (mileage 75), engine proceeds to Edmundston (mileage 81) to turn, and returning takes on 16 loaded cars at St. Jacques; at Cabano (mileage 43) train is cut and two trips made to St. Honore (mileage 27), each trip with eight loads. From St. Honore to Rivière-du-Loup sixteen loads are handled in.

“Revenue at present rate: 16 cars of
40,000 pounds at 4 cents per 100 pounds. \$ 256 00
Operating expenses, 73.28 per cent. 187 60

Profit. \$ 68 40

“This would entail at least eighteen hours work.”

This computation is subject to the criticism that the traffic does not move in well train loads. It is, however, of value as showing what effect the grade has upon the efficiency of operation.

A reference is made to the rates which are charged in connection with pulpwood movement for export on the Grand Trunk Railway, as well as on the Quebec Central Railway, the rates being as follows:—

GRAND TRUNK RAILWAY TARIFF, C.R.C. No. E 2771.

From	To	Miles.	
Dixville, Que.	Berlin, N.H.	72 4½	cents per 100 pounds.
Coaticook, Que.	“	77 4½	“
Windsor Mills, Que.	“	113 4½	“
Bromptonville, Que.	“	105 4½	“
Richmond, Que.	“	125 4½	“
Windsor Mills, Que.	Groveton, N.H.	90 4½	“
Bromptonville, Que.	“	80 4½	“
Richmond, Que.	“	100 4½	“

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INTERNATIONAL RAILWAY OF NEW BRUNSWICK, TARIFF.

From	To	Miles.	
Richards... ..	Campbellton.	54	5 cents per 100 pounds.
Rosco... ..	"	64	5 "
Fingers... ..	"	69	5 "
Hammond... ..	"	80	5 "
Grand R... ..	"	96	5½ "
Fleming... ..	"	102	6 "

QUEBEC CENTRAL RAILWAY TARIFF, C.R.C. No. 218.

From	To	Miles.	
St. Ephrem... ..	Sherbrooke.	105	5 cents per 100 pounds.
St. Evarist... ..	"	112	5 "

The new proportion of the Temiscouata on its proposed new joint rate would be, for the whole length of its line, 4½ cents.

Under the rates approved by the Board in the decision above referred to, the Grand Trunk proportion of the rate from Windsor Mills to Fort Edward, a distance of 125 miles, on its own line, was increased from 4.56 to 5 cents. In the case of the Canadian Pacific Railway, the rate from Three Rivers to Fort Edward, a distance of 105 miles, on its own line, was increased from 3½ to 5 cents.

In view of what has been set out both from the standpoint of comparison and from the standpoint of the peculiar conditions affecting the traffic of the Temiscouata Railway, it seems justifiable to sanction the increase asked for. There is, however, another phase of the matter. As has been indicated the shipments of pulpwood are concerned with the completion of relatively long-term contracts. These contracts are made in the summer and fall for shipment during the winter. Any change in the rate must of necessity affect the shipper directly. While, under the Railway Act, provision is made that rates may be increased on thirty days' notice, it is well established that where a business already built up has enjoyed for a period of time a particular rate, due weight should be given to this by a regulative body in its decision. This is not to say that there is any vested right in freight rates, but that the effect of their continuance for a period of time is one of the factors to be considered. Where as in the present case the contracts between the consignors and the consignees of necessity run for a period of time before they can be completed, it is reasonable that this should be considered.

Mr. Grundy has stated that he estimates that he will move about 5,000 carloads of pulpwood on his line during 1914. Statements have been submitted to the Board from leading shippers using this line, stating that they have contracts on hand for the present year covering some 49,800 cords of pulpwood to be handled on this line. It is not shown just how much of this total has already been delivered. The 49,800 cords above referred to, at a weight of 3,000 pounds to the cord, would represent 74,700 tons, or, at a minimum loading of 40,000 pounds, would represent 3,735 cars, approximately three-fourths of the carload movement in pulpwood which Mr. Grundy expects to handle during the year.

There should, therefore, be granted such reasonable period of time for completion of the contracts as is necessary. In the decision in the pulpwood case already referred to, the judgment was delivered on February 24, and the tariffs requiring the increased rates were allowed to be effective on August 15, 1913. A similar suspension would seem to be reasonable in the present case.

While, as has been pointed out, the joint tariff hitherto in force was published by the Intercolonial, it was none the less, as to the movements from Temiscouata points, the tariff of the Temiscouata. On the 23rd instant Mr. Grundy of the Temiscouata was telegraphed to notifying him that Tariff 225, C.R.C. 221, was suspended and that in the meantime joint rates on pulpwood ex Temiscouata points were to be protected

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by Intercolonial Tariff, C.R.C. 1027, which was the Temiscouata C.R.C. No. 214. As the Intercolonial is not subject to the board's jurisdiction, it was telegraphed to in the matter of this joint tariff. The board is in receipt of telegraphic advice from it that it is agreeable to the continuance of this tariff for the period in question.

Order may therefore go sanctioning the increase provided for under Tariff T.R. No. 225, C.R.C. No. 221, such increase, however, being suspended as already provided until August 15, 1914. The suspension as to the Temiscouata Tariff T.R. No. 221, C.R.C. No. 217, already covered by the board's order No. 21105, is also, to remain effective until August 15, 1914.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

Order accordingly issued.

January 24, 1914.

RE THE WOOD COAL COMPANY, AND THE BARBER-ELLIS, LIMITED, BRANTFORD, ONTARIO.

Mr. Commissioner McLEAN:

In both of these cases there is involved the interpretation of rule 2 of the Canadian Car Service Rules. The facts as developed in the complaint of the Barber-Ellis Company may be taken as sufficiently characteristic. That complaint sets out as follows:—

"Messrs. Barber-Ellis, Limited, of Brantford, received advice of the arrival of a car of coal from Black Rock at 4.30 p.m. on December 23 last. The car was placed on their siding about noon on December 26. They passed Customs on December 27 and unloaded the consignment on the 30th. Five dollars a car rental was charged them as per the enclosed expense bill. This was made up as follows: Two dollars for the first day and three dollars for the second. The agent at Brantford took the position that Barber-Ellis should have entered the car within twenty-four hours after its arrival and having failed to do so that they should pay demurrage, and he, therefore, charged them \$2.

"This interpretation of the car service rules we dispute, while Mr. Duval, former manager of the Canadian Car Service Bureau, and his successor, Mr. Reilly, both uphold the agent; in other words, they take the position that it is the duty of consignees to make entry within the first twenty-four hours after arrival of the car. This we contend is entirely at variance with the language of the Car Service Rules."

Rule 2 of the Car Service Rules provides that there shall be twenty-four hours allowed to consignee after notice of arrival in which to pay the tolls or charges, if any, and give orders for special placing or delivery. This is subject to the provisions of rule 11 which provides that where the railway company has previous or standing orders from the consignee for placing freight on designated tracks or private sidings, the consignee shall not be entitled to the extra twenty-four hours for paying freight and giving placing or delivery orders. Rule 15 further provides that in the case of re-shipment, under switching arrangements, the original consignee alone is to have the twenty-four hours in which to give orders for placing or delivery. Rule 2 provides that forty-eight hours free time are allowed for loading and unloading, subject to certain qualifications, in regard to extended or diminished time on certain commodities, which need not be gone into here. Clause D of rule 2 provides:—

"Twenty-four hours additional free time shall be allowed for clearance of customs, where the destination is a port of entry, making the allowance for clearance of customs, and for giving, placing or delivery orders, forty-eight hours in all."

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The question involved is as to whether, leaving aside reference to the time allowed for special placing or delivery, the consignee is under the obligation to clear customs during the first twenty-four hours, or whether the requirements of the rule are met so long as the customs are cleared and the cars unloaded within the period of 72 hours.

The interpretation of the rule from the standpoint of principle depends upon an opinion as to what was intended to be embodied in the rule, rather than upon the construction of the words contained in the rule. If one is of opinion that, under the rule, the consignee has the right to the full seventy-two hours, made up of the twenty-four hours for clearance of customs and the forty-eight hours for unloading, then it is perfectly clear what the interpretation from the standpoint of principle would be. If, on the other hand, one is of opinion that the only right in connection with the seventy-two-hour period is a right to so much thereof as may be necessary, a radically different conclusion will be formed. From the standpoint of principle, the present applications are tied up with what is involved in the question of average demurrage; and it has seemed to the board that they might more properly be dealt with in connection with the foregoing topic.

The applicants, however, press for a ruling. In view of what has been said, the ruling must be concerned with the words of the rule, not with any question of principle assumed to be incorporated in the rule.

The rule states that twenty-four hours "additional free time" is allowed for the clearance of customs. Does this mean that in addition to the forty-eight hours allowed for unloading, there is thereafter an additional twenty-four hours for passing customs? While possibly, this construction might be placed upon the words, it would create an unworkable condition. It has been laid down that the words of a rule should show their true intent and meaning, and that one should not depend upon the mind of the framer of the rule or of the one carrying it out for information as to the intention. But where reference to clearance of customs is made, there is a reference not to any "intention" of the one enforcing of the rule, but to the practice of the customs authorities. The clearance of customs must be effected before the car is in position to be unloaded. The time allowed for clearance of customs as compared with the time for unloading must, therefore, be prior. That is to say, the time allowed for clearance of customs stands first on the list and under the rule the forty-eight hours for unloading runs from the termination of the time allowed for clearance of customs.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

February 11, 1914.

RE FULLERTON LUMBER AND SHINGLE CO., VANCOUVER, B.C., *vs.* C.P.R.

Mr. Commissioner McLEAN:

The application is concerned with the through rates on group D lumber from Bellingham, Wash., to points in the Canadian Northwest, it being alleged that the through rates are excessive to the extent that they exceed the sum of the locals. Group D, lumber, which includes lumber, poles, piling and timbers is in general concerned with fir, hemlock, larch and spruce lumber and specified manufactures therefrom, is the lowest of the lumber rate groups covered by the Northern Pacific tariffs. These tariffs also set out groups A, B, and C.

Before the complaint was lodged with the Board, complaint was lodged with the Interstate Commerce Commission, which found that if any unjust discrimination existed in connection with the combination rates charged for the transportation of lumber from points in Washington to points in Canada, this was concerned wholly with the rates for transportation in Canadian territory, and hence was not subject to the control of the Interstate Commerce Commission. It further stated that the joint rates complained of were not found to be unreasonable.—*Fullerton Lumber and Shingle Co. v. Bellingham Bay and British Columbia Railway Co. et al* 25 I. C. C. 376.

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The points of destination in the Canadian Northwest which are set out in the complaint of the Fullerton Lumber Company, as contained in the correspondence on file, are Stettler, Castor, Macklin, Hardisty, Saskatoon, Viscount, Colonsay, Outlook, Kandahar and Wynyard.

Under the joint lumber tariff of the Northern Pacific, dealing with the movement from points in Washington and Oregon to Canadian points west of the Great Lakes, the points of origin are divided into three groups designated as Coast, North Yakima, and Spokane. Bellingham is located in the Coast group. In the opinion of the Interstate Commerce Commission, reference is also made to Lyndon, Clear Lake, Everett, Monahan and Big Lake, which are additional shipping points in the Coast group covered by this tariff.

The applicant sets out the points to which his shipments move from Bellingham. For comparative purposes there have been included in Table "A" the rates, both through and the sum of the locals, not only from Bellingham but also from the other shipping points mentioned in the opinion of the Interstate Commerce Commission.

From	Bellingham		Lyndon		Clear Lake		Everett		Monahan		Big Lake	
	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.
To												
Stettler	45	43½	45	43	45	44	45	47	45	47½	45	44½
Castor	45	43½	45	43	45	44	45	47	45	47½	45	44½
Macklin	45	43½	45	43	45	44	45	47	45	47½	45	44½
Hardisty	44	43½	44	43	44	44	44	47	44	47½	44	44½
Saskatoon	45	43½	45	43	45	44	45	47	45	47½	45	44½
Viscount	48	43½	48	43	48	44	48	47	48	47½	48	44½
Colonsay	48	43½	48	43	48	44	48	47	48	47½	48	44½
Outlook	44	43½	44	43	44	44	44	47	44	47½	44	44½
Kandahar	51	45½	51	45	51	46	51	49	51	49½	51	46½
Wynyard	51	45½	51	45	51	46	51	49	51	49½	51	46½

From the Coast group, the rates quoted are grouped to points between Laggan and Fort William. There are two broad groups which have respectively 40 cents and 45 cent rates. The 40 cent group begins at Laggan, 498 miles east of Sumas, and extends east thereof to Winnipeg, 954 miles. The 45-cent rate group extends to Fort William. On the Canadian Pacific, some 430 destination points are included in the 40-cent group, while in the 45-cent group there are some 149. In addition, there are modified group rates built up by adding arbitraries to either the 40-cent or 45-cent rate. These group rates so built up cover some 109 destination points which will be referred to later.

In the opinion of the Interstate Commerce Commission already referred to, the following information is set out as to points of origin in the Coast group, distance from Sumas and local rate thereto:—

From.	Rate per 100 pounds.	Distance in miles.
Bellingham, Wash.	3½ cents.	23
Lyndon, Wash.	3 "	12
Clear Lake.	4 "	43
Everett, Wash.	7 "	96
Monahan, Wash.	7½ "	116
Big Lake.	4½ "	49

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Sumas is located on the international boundary. The Vancouver lumber rate applying on shipments eastward to points in the Canadian Northwest, applies from Sumas; and it is this rate which is spoken of in the complaint as the local.

While, as has been indicated, there are two large rate groups, there are, in addition, minor groups, with rates attaching thereto. The 697 points of destination on the Canadian Pacific are covered by nineteen rates. In table "B" which follows, a representative point is given for each rate as well as information concerning the relation of the through rates and the sum of the locals.

TABLE "B".

From To	Bellingham		Lyndon		Clear Lake		Everett		Monahon		Big Lake.	
	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.
Regina.....	40	43½	40	43	40	44	40	47	40	47½	40	44½
Edmonton.....	41	43½	41	43	41	44	41	47	41	47½	41	44½
Forward.....	42	43½	42	43	42	44	42	47	42	47½	42	44½
Killam.....	43	43½	43	43	43	44	43	47	43	47½	43	44½
Wellwood.....	43½	45½	43½	45	43½	46	43½	49	43½	49½	43½	46½
Hardisty.....	44	43½	44	43	44	44	44	47	44	47½	44	44½
Rapid City.....	44½	47½	44½	47	44½	48	44½	51	44½	51½	44½	48½
Saskatoon.....	45	43½	45	43	45	44	45	47	45	47½	45	44½
Lenore.....	45½	47½	45½	47	45½	48	45½	51	45½	51½	45½	48½
Imperial.....	46	43½	46	43	46	44	46	47	46	47½	46	44
Minnedosa.....	46½	47½	46½	47	46½	48	46½	51	46½	51½	46½	48½
Cheviot.....	47	43½	47	43	47	44	47	47	47	47½	47	44½
Newdale.....	47½	48½	47½	48	47½	49	47½	51	47½	51½	47½	49½
Colonsay.....	48	43½	48	43	48	44	48	47	48	47½	48	44½
Birtle.....	48½	48½	48½	48	48½	49	48½	52	48½	52½	48½	49½
Russel.....	49	48½	49	48	49	49	49	52	49	52½	49	49½
Bredenbury.....	49½	47½	49½	47	49½	48	49½	51	49½	51½	49½	48½
Yorkton.....	50	47½	50	47	50	48	50	51	50	51½	50	48½
Leslie.....	51	45½	51	45	51	46	51	49	51	49½	51	46½

The relative importance of the different group rates in respect of the destination points they cover is set out in the following summary of the situation on the Canadian Pacific lines:—

	Points.
40 cent rate.....	430
41 ".....	11
42 ".....	10
43 ".....	14
43½ ".....	4
44 ".....	11
44½ ".....	4
45 ".....	149
45½ ".....	4
46 ".....	7
46½ ".....	1
47 ".....	9
47½ ".....	1
48 ".....	13
48½ ".....	4
49 ".....	7
49½ ".....	2
50 ".....	4
51 ".....	12

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The board is asked to direct the through rates from the point of origin in the United States should not exceed the sum of the locals. While in particular cases, on particular facts, the board has given direction as to rates from points in the United States, it has in so-doing recognized that its jurisdiction did not extend over the lines located within the United States; and that its direction was a direction to the line or lines subject to its jurisdiction. It has specifically stated its lack of jurisdiction over the lines located in the United States.—*Continental Oil Co. et al. v. C.P.R. Co. et al.*, 13 Can. Ry. Cas. 161.

While the board has stated that a joint rate in excess of the sum of the locals is *prima facie* unreasonable, in *re* Joint Freight and Passenger Tariffs, 10 Can. Ry. Cos. 343, it follows from what has been stated that its jurisdiction as to such a situation is a jurisdiction over lines situated within its jurisdiction.

In the correspondence on file, the Canadian Pacific stated that it took up with the Northern Pacific and the Bellingham Bay and British Columbia Railway Company the question of reducing the through rates from Bellingham via Sumas, so that its through rates would not exceed the sum of the locals. It states, however, that it has not received any assent to this change so far as the American Railways are concerned, and that no reduction has been made.

Table "A" which sets out the applicant's contention, shows that with few exceptions he is paying a through rate in excess of the sum of the locals. But it so happens, as a result of the points to which the shipments are made, that there is an exceptional proportion of points included to which the through rates are in excess of the locals. He quotes 10 points of destination, but these may be grouped under four rates as follows: 44-cent rate, 2 points; 45-cent rate, 4 points; 48-cent rate, 2 points; and 51-cent rate, 2 points. While the 44, 48 and 51-cent points are concerned with 5 per cent of the points covered by the tariff, so far as the Canadian Pacific is concerned, they deal with three-fourths of the points covered by the present application. The 45-cent rate covers an important group including 20 per cent of the points of destination covered by the tariff. But while when the six shipping points in Washington are considered, it will be found that 34 per cent of the rate combinations show through rates less than the sum of the locals, in the present case the shipments are to points where this does not apply. It thus happens that in the present instance if one example each is taken of the 44-45-48-, and 51-cent rates, the sum of the locals is less than the through rate on the Bellingham movement. While considering all six shipping points from Washington, it appears that there are seventeen cases in which the through rate is greater than, one where it is equal to, and six where it is less than, the sum of the locals.

It is within the jurisdiction of the board to direct that a Canadian railway should not, as its division of a through rate, exceed its local. While the Sumas rate is spoken of as a local, it should be pointed out that it is in reality the through rate from Vancouver which has been worked out in connection with the shipment of lumber to grouped points in the Canadian Northwest. Sumas is not a saw-milling point, but since the movement from British Columbia is one from grouped points it has happened that Sumas is included. In strictness, the rate spoken of as a local is a through rate under a group rating system, which is concerned with the movement from grouped points in British Columbia to grouped points east of Laggan.

If the board were concerned simply with a movement from Bellingham via Sumas, it might, notwithstanding the nature of the Vancouver rate which is applied to Sumas, be justified in directing the rearrangement asked for. But the matter must be looked at in a wider way. While the initial groups in Washington are outside the board's jurisdiction it has jurisdiction as to the consuming groups in Canada, and must take cognizance of how the rate situation affects them.

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Further analysis of what is set out in tabular form shows that taking a movement from Bellingham at each of the rates as set out in table "B" nine rates are lower than, one equal to, and nine higher than, the sum of the locals. But it appears, however, that while this situation exists as to Bellingham, which has a short haul on an American line, in the case of the other points of origin, as the length of the haul on the American line increases the number of cases where the sum of the locals is in excess of the through rate also increases. It is further to be noted that none of the shipments from Bellingham, as set out in the complaint, are to 40-cent rate points. This, which is a main line group, covers 63 per cent of the terminal points. In all the 40-cent rate points, the through rate is less than the sum of the locals. It does not appear proper to look at the situation from the standpoint of Bellingham alone.

If the board made an order that on a movement from Bellingham the Canadian Pacific should not, as its division of the through rate, exceed its local from Sumas, it does not appear what reason there would be for not making a similar order as to the movements from other points. On the movement from a large number of points, the through rate is now less than the sum of the locals; but if the direction is given that the local is the proper measure of reasonableness of a division of a through rate as affecting one portion of the group, would not the same rule apply in the other cases where in the working out of the group principle a division lower than the local accrues to the railway? Otherwise it would mean that under a group arrangement, every point which has an advantage in point of distance should be taken out of the group and put on a distance basis.

On the basis of the figures presented in table "B" there may be a movement from any one of the six points of origin therein set out to any one of the 697 points of destination; that is to say, at the rates quoted, 4182 such movements are possible. Further, there has been set out the number of points of destination covered by each rate quoted. If, then, this detail is checked, it will be found that to apply the sum of the locals as the measure of what is reasonable as to through rates would in 8 per cent of the possible movements result in advancing the rate.

The situation presents some anomalies. But if one looks at the matter from the standpoint of distance, anomalies are inseparable from any group arrangement. The question that has to be asked is whether, from the standpoint of the marketing of the product, the anomalies are not unreasonable. A group rate arrangement endeavours to average distance and public convenience. If each point of a group is to be singled out for special treatment on a mileage basis, then the group disappears and the points with the shortest mileage get an advantage in marketing. But it has been recognized that in the case of bulky articles of general demand, it is in the public interest to equalize, within reasonable limits, distance so that there may be as large a supply as possible in the consuming market. Grouping in this case is concerned with the handling of lumber from common sources of supply for sale in a widely extended market. The initial portion of the group arrangement is outside of Canada. The rate from the time the product enters Canada is part of the grouping arrangement under which the lumber is handled to points east of Laggan. The rate must be looked at from this standpoint, not from that of mere distance.

Looking at the matter in so far as the record is before us, it appears that while in some cases there are through rates in excess of the locals, in more than three-fourths of the possible rate movements the contrary holds good. A rearrangement as to one portion of a group leads to rearrangements at other portions. The board cannot lightly interfere with a grouping arrangement simply on a presentation as to one portion of the arrangement.

Upon full consideration of the subject, it does not appear justifiable to make the direction asked for.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

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RE EXPRESS RATES.

Chief Commissioner DRAYTON: Last autumn, under the provision of the Railway Act authorizing the board of its own motion to inquire into, hear, and determine any matter which under the Act it might inquire into, hear and determine upon application or complaint, I took up the question of express rates with the traffic department of the board. After a somewhat lengthy scrutiny it became apparent that data to which no exception could be taken indicated at least a *prima facie* case for a reduction of charges, and that question has been taken up with the Canadian Express Company, the Dominion Express Company, and the Canadian Northern Express Company, these companies doing practically the express business of the country.

The companies have, from time to time, made their representation, and have given every opportunity to show cause why reductions should not be made, and a general review having been made of the express situation, the question is now ripe for action by the board.

So far as the Canadian Express Company is concerned, which company carries on the bulk—in fact practically all—of its transactions in the east its President states that, owing to reductions in rates made by the board, either directly or indirectly, e.g., the compelling of greater service as a consequence of the extension of free collection and delivery zones, at many points, and increased expenses, net earnings are too low, and that if expenses go on increasing, the continued financial success of the Company is more or less doubtful. While it is true that expenses have materially increased and the ratio of earnings been considerably reduced, I look upon its condition as satisfactory, and think that a sufficient return is netted on its enterprise.

In view of the fact that this company's operations are practically confined to the east, it is of interest to follow up the result of the board's judgment with the increased service and expenses the company complains of.

I propose to accept unreservedly the findings of the Board in the previous investigation, which have been checked from every conceivable standpoint, and were the results of a very complete and thorough investigation extending over a period of some three years.

These findings, so far as the Canadian Express Company is concerned, show, that for a period of seven years, that is from 1902 to 1908, the company's gross revenue showed an average of \$1,655,024, and that the average net earnings during the same period amounted to \$218,262 or 13.1 per cent on the gross revenue, which amounted in all to \$11,655,971. During this period the revenue increased from \$1,314,400. in 1902 to \$1,909,024 in 1908.

The company's revenue, as shown by its last returns for the year ended June 30, 1912, amounted to \$3,065,424.80. Its returns as its balance for the year's operations \$188,970.11, which is paid over to the Grand Trunk Railway Company, its owner, and which represents a net profit. Had no reduction been made, and if the company's rates, expenses and practices had been as they were in 1908, the company's balance, instead of this sum, would have amounted to \$401,570.64 showing that upon the increased business the result has been a decrease in net profit from the former standard of \$212,600.53.

As the board, by its judgment in the general inquiry accepted as reasonable, subject to exceptions hereafter to be noted, the existing predominating scale of charges in use in Eastern Canada, I was unable to understand the great falling-off of profits shown by the company's statement of 1912, and requisitioned, for the purpose of ascertaining the necessary details of the business to check the statement, the last completed monthly analysis made by the company's general auditor. From it, it appears that the company's lessened profits are the result of increased expenses to a far greater extent than to reduced rates. I find, for example, that, for the period from January 1, 1912,

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to November 30, 1912, compared with the like period for the year 1911, the cost of Superintendents and route agents increased from \$36,466 to \$43,683.83, or 19.8 per cent.

Offices maintained by salary increased from \$220,227.81 to \$282,378.80, an increase of 28.2 per cent.

The wages of wagon drivers and helpers increased from \$109,048.08 to \$140,008.90, an increase of 28.4 per cent.

Office supplies and expenses increased from \$22,343.68 to \$39,285.48, an increase of 75.8 per cent.

Rent of local offices increased from \$30,811.16 to \$36,007.98, an increase of 16.8 per cent.

The cost of stable employees increased from \$8,191.50 to \$11,736.83, an increase of 43.2 per cent.

Stable expenses increased from \$69,677.38 to \$98,417.94, an increase of 41.2 per cent.

Messengers and supplies increased from \$112,776.83 to \$143,183.38, an increase of 25.8 per cent.

Transfer point salaries were increased from \$24,424.20 to \$29,274.13, an increase of 19.8 per cent.

Stationery and printing expenses increased from \$24,470.02 to \$35,731.60, an increase of 46 per cent.

Money paid for loss and damage increased from \$26,086.43 to \$40,038.73, an increase of 53.5 per cent.

Coming to the executive and head office; no increase has been made in the salaries of the general officers, an economy having been made here in the small sum of \$277.76.

The wages of clerks, however, have been increased by \$9,859.38; to-day's clerical wage being \$43,562.43 as against \$33,703.05 in 1911.

During the same period of time there was, of course, an increase in the total receipts. The gross receipts rising from \$2,582,208.97 to \$2,999,439.10, an increase of 16.1 per cent.

No increased proportion was paid to the railway company for express privileges, another manner in which the account could have been unduly influenced; but, as a matter of fact, the percentage of increase is somewhat lower, the payment of \$1,271,072.41 rising to \$1,415,638.60, an increase of 11.3 per cent, a smaller percentage than the gain in gross receipts. The result is to allow a different percentage in growth on the total operating revenue, which was for this eleventh month period in 1911, \$1,311,136.56, and in 1912, \$1,583,800.50 an increase of 20.7 per cent.

The total expenses chargeable to operating revenue for the eleven month period amounted to \$1,080,810.46 in 1911, and \$1,368,223.36 in 1912, an increase on the whole of 26.6 per cent.

The result of it all is to show that the company's net profit is further decreasing, the increased expenses amounting to \$287,412.90, as against an increase in operating revenue of \$272,633.94, to which must be added \$1,607.30 for increase in taxation.

Some particular items of increase in the account do not have any particular significance, and may be, and probably are, peculiar to the year; but in the summation of the whole, it is significant that, with an addition of \$272,663.94 of new business there is not a net decrease in profits of \$16,356.26.

The details of the company's business, therefore, seem entirely to corroborate its official return.

So far as the reduction in rates are concerned, while no general reduction has taken place in Eastern Canada, some were brought about in particular cases by orders which I find have been made by the board in addition to the carrying into effect of its general judgment. The Express Freight Classification was revised, and its rules and

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regulations were greatly simplified in the interests of the shipper. The table of so-called "graduated" charges for shipments of less than 100 pounds, was extended so as to provide specific charges for such shipments under certain head-line rates of the general merchandise tariff previously omitted, and for the omitted 6-, 8-, and 9-pound shipments; the former custom being to charge under the next higher rate, or for the next greater weight. For example: Merchandise rates of \$5.25, \$5.50, and \$5.75 per 100 pounds were added, so that all small shipments so entitled have now their appropriate charges under these rates, instead of under \$6 as formerly.

The board also prescribed a new form of shipping receipt which extended the liability of the companies by eliminating the qualification of "owner's risk," which was contained in the former classification. This change probably accounts, in some measure at least, for the increase of 53.5 per cent in sums paid by the Canadian Express Company to shippers for loss and damage in transit, and in like measure is an index of the advantage to the shipper of the elimination from the classification of the provisions limiting the companies' liability in respect of loss and damage claims.

The board also, on the 21st day of August, 1911, reduced the cream rates in Eastern Ontario.

On the 10th day of January, 1912, the winter rates to Prince Edward Island from points in Ontario, Quebec, New Brunswick and Nova Scotia were reduced, the reductions ranging from 25 to 50 cents per 100 pounds.

The board on the 8th day of November, 1911, ordered the application of a single "graduate" charge on traffic moving over the lines of two or more express companies, the effect of the order being to give a considerable reduction to the shipper. For example: a package of 20 pounds over two express lines, is now charged from New Glasgow to Mattawa, \$1.30 instead of \$1.60 from Grand Mère to Port Dover, 90 cents instead of \$1.05.

The board also, on the 2nd day of March, 1912, made a material reduction in the rates on daily newspapers.

On the other hand, certain increases resulted from the board's judgment. For example: the carriage of empties of a certain character free by the express companies, while others were charged varying rates, amounted to discrimination. The charges are now uniform for all empties and by weight, they are lower than some of the rates which, for certain classes of empties, had formerly been charged; but, of course, constitute an increase in so far as that class of empties is concerned that were formerly carried free. The companies, however, which formerly were at no responsibility for empties, became liable for them as in the case of any other shipments.

A further advance was caused by the establishment of the so-called measurement rule for the purpose of insuring to the companies a reasonable revenue on light and bulky goods, forwarded generally by millinery shippers after a full discussion in which the millinery shippers were represented.

Another advance resulted from the elimination of schedule "E" of the classification, which provided rates on large and continuous shipments by manufacturers, and which was considered by the board to constitute a discrimination against the small shippers.

In addition to these orders, the board has, from time to time, enlarged the free collection and delivery limits at different points, which necessarily results in additional equipment and expense to the companies.

The result of it all, in my view, is that, while there has been no general reduction in Eastern Canada, reductions have been made through a more generous classification and "graduate" scale, increased carrying liability on the express companies, the specific reductions noted, and extension of free collection and delivery limits, which by increasing the service is equivalent to a reduction in the rate. The effect of these changed conditions could not be estimated in any manner, and can be approximately

reflected only by the subsequent results obtained by the companies. In my opinion, however, such reductions are perhaps not sufficient to have been appreciated by the average shipper using the express facility.

My difficulty in making any order directing a reduction to-day is entirely owing to changed conditions resulting, as pointed out, from a somewhat extended and bettered service, but much more largely owing to the increased cost of carrying on the business; and also to the statement made by the Honorable the Postmaster General of his intention to institute a parcels post system in Canada, to which a more extended reference is hereafter made.

The net results to the Canadian Express Company, that I take as a fair illustration of express conditions in Eastern Canada, shows that from a net return on the gross revenue of 13.1 per cent, as ascertained by the Board in its former investigation, the net return on a much larger turnover to-day has dropped to 6.09 per cent. I do not say that this much smaller figure is to be looked upon or adopted by the board as only a reasonable compensation, but I hesitate to make any drastic order applying to Eastern Canada in the face of this increasing ratio of expense, and the proposed introduction of the parcels post.

The full effect of the board's orders cannot be properly estimated by the actual results, and the matter of rates in Eastern Canada generally, I think, should stand until the board has had the opportunity of seeing exactly the effect upon the express business. Overcharges from time to time take place, and specific complaints based on different grounds will undoubtedly arise that may require an immediate action. These can be dealt with as occasion requires, a course contemplated in the former judgment being as follows:—

“Certain rates are asked for upon various commodities from different points, but these are not dealt with, as it is considered that the better course to pursue is to await the general revision and re-alignment that must follow these findings, when, if a more satisfactory situation is not brought about, complaints which have not been dealt with categorically, or solved in the general result, will be further considered.”

A very different aspect is presented by the express business in the west.

The Canadian Northern Express Company carries on its business almost entirely in the prairie provinces, the figures supplied by Mr. Hanna of last year's operations, showing that, out of gross earnings of \$778,643.28, only \$93,466.42 is represented by business east of Port Arthur.

In 1908, Mr. Justice Mabee found that during the seven-year period, the net earnings of the company were 25.5 per cent on gross revenue. It is to be observed, however, that on the business of the company of 1908, which forms part of the seven-year period, while the gross receipts amounted in that year to \$336,708, the net earnings were returned as \$57,432, which would amount only to 17.057 per cent, showing for that year, at least, a reduction of some 8½ per cent.

The company's return to the Government for the year ending June 30, 1912, shows that, on the business above stated, namely \$778,642.28, a balance is carried forward as profits of \$192,676.99, a return to the Company on its operations at the rate of 24.745 per cent. It is true that Mr. Hanna disputes the accuracy of these figures in that the railway company made no charge for officers, stations and platform spaces, etc., but the company's custom seems to have been exactly the same when its returns were under the board's scrutiny upon the last investigation.

It is to be noted that the board in its previous judgment, in the case of the Dominion Express company, found that during the seven-year period under review 5.6 per cent of the gross revenue was charged for station accommodation. As a matter of book-keeping it would be fair to make some allowance. I do not think, however, that it is necessary to go into the matter at length, and merely refer to it for the

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purpose of showing that, in this regard, the figures supplied by the Canadian Northern Express Company, are, as contended by it, not accurate. This practice was common during both periods, and, therefore, comparison can be properly made disregarding it altogether.

While for the purpose of comparison a close adjustment of the account need not be made, the statement, if compiled on the usual basis of a charge of 50 per cent gross by the railway company, and as charged by the Intercolonial, would be as follows:—

Gross receipts.....	\$776,642 28
Express privileges.....	389,321 14
Operating revenue.....	\$1,165,963 42
Operating expenses.....	276,411 07
	\$889,552 35
Taxes.....	6,897 61
	\$896,450 96

The statement, even as amended, makes an extraordinary good return on a business of \$776,642.28, as compared with earnings of \$188,970.11, on a business of \$3,065,424.80 for the same period, of the Canadian Express Company.

The Dominion Express Company also obtains more of its earnings in the west, although it does a considerably larger business in the east than the Canadian Northern Express Company. For the period under review in the last inquiry, it was shown that the company's gross receipts amounted to \$21,475,694, increasing from \$1,529,198, in 1901, to \$3,743,560 in 1908; and that during this period the net earnings amounted to 16.9 per cent on this revenue. The company's gross revenue from all sources, including its financial branch and transatlantic traffic, for the year ending June 30, 1912, as returned to the Department, shows \$6,180,955, with a net revenue to the company of \$642,898.94, available for property renewals, which are placed in the report at \$80,000, dividends and like charges. The result, in this instance, is to show a reduction in the percentage of profit; which, however, is still much greater than that obtained in the eastern territory by the Canadian Express Company.

In my view, it is not necessary to pursue this question to a finality. The broad results as outlined are, I think, entirely sufficient.

There has always been a difference in the scale of charges between the eastern part of Canada and the West. Mr. Justice Moberg's judgment provides that the basis of the scale for Eastern Canada shall not exceed \$3, for the Prairie section \$5, and for the Mountain section \$6 per 100 pounds, for 900-1,000 mile group.

The companies claim that the cost of doing business in the west is greater, and the density of traffic less than in the east. The actual results of operation would seem to show that undue effect has been given to these considerations and to demand a readjustment.

However economic conditions presented by other aspects of the railway situation—in view of water competition and the like—may control the board's action, it is obvious that such considerations can apply to an express service with but little force. The express service is entirely different from that of freight. The basis of rates, as well as the demands of the public, stand upon a different footing. Water competition certainly cannot be said to influence in any way a service, the essential of which is speed; nor is the express service influenced in nearly the same degree by the question of competitive points. In my view, the express rates charged by the different companies in the prairie provinces and British Columbia are unreasonable. While it was hoped that the directions contained in the board's general judgment would naturally improve the situation, the result shows that no appreciable reduction seems

to have been secured. Reductions that have been made, and they are many, as shown by the companies' tariffs are reductions which but little affect the manner in which the bulk of the traffic is moving; or are, perhaps, compensated by additions which have been made to the rates, presumably in the levelling process, in establishing a mileage basis of standard rates as provided by the judgment.

I do not think that the former judgment of the board as to the minimum charge should be interfered with. A charge of 25 cents, with the duty of free collection, as well as free delivery, at a large number of points, should not, at the present time, be disturbed; but I am of the opinion that an approximately average reduction of 20 per cent should be made by the companies in the standard maximum tariffs for traffic classified as "merchandise," to apply only to the Prairie Provinces and British Columbia, the appropriate charges of the "graduate" scale, as revised by the board, and those of scales "M" and "K" (food stuffs, ale, beer, mineral waters, etc.) to apply to the rates so reduced.

Both Mr. Hanna of the Canadian Northern and Mr. Stout of the Dominion Express urged very strongly that the proposal of a 20 per cent reduction was entirely too radical, not called for by the returns and conditions of business, and unduly oppressive on their companies. In my view, no smaller reduction should be considered. The express business is a matter of railway operation in this country; and the capitalizations and bonded indebtedness of the different express companies have been created under such circumstances as to require no consideration in striking a rate. I can add nothing useful to what the late Chief Commissioner, under this head, said in his exhaustive judgment. The test of the rate is largely its reasonableness in view of the service supplied, and in directing the reduction now made by this judgment, the board, I think, would be but adopting a rate basis, at the present time, and in the light of the different aspects of revenue and operation now presented, certainly as reasonable from the standpoint of the carrier as from that of the shipper.

It should be borne in mind that the effect of any reduction on gross receipts produces very much greater results on net returns. For example, the receipts from all sources of the Dominion Express Co., amounting to \$6,180,956, and resulting in a net revenue of \$643,886.94 shows that out of each dollar earned that company has to spend 89.6 cents, leaving a profit of 10.4 cents resulting from each dollar's worth of business done. With expenses at such a large ratio it is plain that any reduction that would be made must appear small to the occasional shipper of the smaller parcels.

It is impossible to determine with exactness the effect that the reduction will make on the earnings of the express companies, the reduction varying with the weight of the different parcels sent day by day, and the distance that they are carried. The task of checking the business for the whole year, parcel by parcel, is almost impossible. Figures, however, have been taken out showing the actual transaction for one day (September 18) which were thought to be characteristic of the general run of business, or unaccompanied, perhaps, by any special movement or circumstance.

The results show that the Dominion Express Company received on shipments from points between Sudbury, Canmore, and Crowsnest to points in the same section (the Prairie section) \$4,337.43, on shipments from points between Canmore, Crowsnest, and Vancouver to points in the same section (the Mountain section) \$844.90, on shipments from points in the Prairie Section to points in the Mountain Section, \$500.61, and on shipments from points in the Mountain Section to points in the Prairie section, \$184.12, making a total for the day of \$5,937.06. Taking 313 working days as constituting the business year, the business in the territory in which the reduction is now ordered, would, on this basis, amount to \$1,852,362.72, a direct reduction of twenty per cent on the charges based on this gross sum would amount to \$370.473. Applying a reduction of 20 per cent on the standard maximum tariffs for traffic classified as "merchandise," and the tolls of the "graduate" table and scales "M" and "K" appropriate to the "merchandise" rates so reduced, and

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worked out on each shipment of the particular day whose business was analyzed, the decrease effected amounts to \$227,317. These figures are merely illustrative and will vary in proportion with the ratio that the business of September 18, is above or below the general average, and whether shipments of that day were of an average character and profit. The company, however, cannot object to their use, that day, in the opinion of its president, being unaccompanied with any special movement or circumstance, and the figures were, in the first instance, prepared by the company's officials, and then checked by Mr. Hardwell, the board's chief traffic expert.

Subject to these qualifications, the result on the business for the year 1912 is that the balance of the company's earnings from all sources in Eastern Canada, as well as in the West, amounting to \$642,888.94, would be reduced to \$415,571.94, a reduction of 35.36 per cent. If applied to the profits resulting from the western business alone, the percentage of reduction in profits would be much larger. It is, also, but fair to say that the figures do not include reductions that will follow as a result of this judgment on through shipments from points in Eastern Canada to points in Western Canada, and *vice versa*, reductions in which the east is interested as well as the west.

The operation of the parcel post will have a direct effect on the earnings of the express companies over the whole country. That post will probably handle parcels of eleven pounds weight and under. A comparatively large part of the merchandise traffic of the express companies consists of parcels of such a character. I have not a return showing the complete business of any of the companies giving the traffic in such parcels, none of them keeping such data. Taking, however, September 18 as an example, the receipts of the Dominion Express Company for the carriage of parcels of 11 pounds or under, amounted to \$1,564.18 out of a total of \$5,937.06 on business originating in and consigned to points in Western Canada, or for the year, \$488,024.16, out of \$1,852,362.72.

The figures given by counsel for the express companies in the rehearing of the Express Companies Rates Case before the Interstate Commerce Commission may be referred to as more or less accurately showing the effect of the parcels post system on express companies. Figures were given showing the business of five of the large American companies for January and February, 1912, contrasting the business of those months with the corresponding months of 1913 when the parcels post system was in operation. These figures show a percentage of decrease in the revenue the companies derived from parcels of 11 pounds weight and under of 16.56 per cent for January, and 25.37 per cent for February. The companies apparently claim that the parcels post business is increasing, and that its increase, as shown by the February returns, more nearly approaches what the total loss to the express companies will be.

If I am to assume for the moment the correctness of these figures as applied in their proper ratios to the Canadian business the result of the adoption of the parcels post will entail a reduction over the whole country, of something like 4½ per cent on the total merchandise earnings of the express companies.

It is impossible, at the present time, to estimate the effect of parcels post in Canada. The difference of conditions in Canada may produce either greater or less losses to the business of the express companies. Reference is made to them merely to show the impossibility of now making any close analysis for future rates with a new factor, the result of which is unknown. The figures of the American companies, however, seem to justify the express companies in the fear that the adoption of the system in Canada will work a serious loss to them. Until this unknown quantity is ascertained, the results of the express companies' business and figures before me would not justify any further reduction than that now ordered.

In order to work out the base rate reduction of 20 per cent to a finality, some thirty-five or more new columns of rates would have to be added

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to the "graduate" scale. This would make the scale inconvenient for the rapid reference more or less inseparable from the express business, and would lend itself to inaccuracies. The exact result on the companies' revenue would also be difficult to determine. On the other hand, the system of charging for small parcels under the next higher per 100 pounds "merchandise" rate, when the "graduate" scale does not provide the appropriate charge, has its objections. I had hope to prescribe complete new schedule, which, while making a fair allowance for the constant cost of handling all shipments, no matter what their weight, would more fairly distribute the cost as between small and large shipments, but this I find at present difficult to do. Tariff-making is, after all, the business of the companies, and they have the further advantage of that intimate knowledge of their own conditions which regulating commissions lack. The companies are, therefore, required to submit new tariffs making a reduction of 20 per cent in the Prairie and Mountain sections from the present standard maximum tariffs on freight classified as "merchandise", carrying with it the appropriate reduction in the "graduate" table scale "K" and "M" and the special scale for single shipments of 500 pounds or over. I am advised by the board's traffic expert that the preparations of the new tariffs will take some time, and the express companies must proceed without delay, so as to insure the publication and filing of the new tariffs so that they will come into force on or before the 15th day of July next. This allows a reasonable time for this work in Mr. Hardwell's opinion.

The board's order will further provide that the basis of the standard maximum "merchandise" tariffs shall not exceed \$4 per 100 pounds in place of \$5 for the Prairie section, and \$4.75 per 100 pounds in place of \$6 for the Mountain section for 900-1000 mile group.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean and Good-eve concurred.

Order in accordance with judgment issued.

April 22, 1913.

RE EXPRESS RATES.

Complaint was made to the board by Mr. J. G. Simmie of McConnell, Man., that the Canadian Northern Express Company charged higher rates between McConnell and Winnipeg than those charged by the Dominion Express Company for similar or greater distances between Hamiota, Strathelair, and Winnipeg.

The case was set down for the Winnipeg sittings, held November 11, 1912. No one appeared for the complainant, but the matter was taken up with the Canadian Northern Express Company. It developed that the rates charged by the Canadian Northern Express Company were higher than those charged by the Dominion Express Company, although within the maximum rates prescribed by the judgment of the board in the general express inquiry.

As the board was at the time considering the whole express situation, no judgment dealing with this particular matter was delivered. As a result, however, of the board's recent judgment, the discrimination will disappear. The new rates under the Express Judgment going into force the 15th July, 1913, giving a rate on butter and eggs on the Canadian Northern of \$1.20 per 100 pounds from the points in question, carrying with it the appropriate lower tolls of the "graduate" table for small shipments.

RE RECONSIDERATION OF EXPRESS RATES ON CREAM AND TERMS AND CONDITIONS IN CONNECTION.

Mr. Commissioner McLEAN: Under date of October 16, 1912, the applicant wrote stating that Mr. P. Pallesen of Calgary desired to protest against the terms of the boards order No. 17384. No particulars as to the points complained of were supplied in his letter and so the applicant was advised under date of October 21, that an application should be made out setting forth the reasons why a rehearing was asked. The matter

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was at the same time set down for hearing at Calgary on November 25. On November 12 a communication was received at Ottawa from the applicant setting out certain increased rates complained of. Under date of November 15 Mr. Pallesen was advised to send a copy of the complaint to Mr. W. H. Burr of the Dominion Express Company. On the same date a telegram was received from Mr. Burr asking for particulars of the complaint. When the sitting took place at Calgary it was found that the particulars had not been supplied to the express company. A direction was given at the hearing that the applicants should supply to the board a statement of the particulars as referred to at the hearing and that a copy should also be supplied by them to the express company which was to send in its answer after the particulars had been considered by it. The particulars were supplied to the board; but no communication by way of answer having been received from the express company it developed in a letter from Mr. Riley, dated February 14th, 1913, in reply to a query of the board, that the direction as to supplying particulars to the express company had been overlooked.

It not being feasible for the board to supply to the express company a complete copy of the detailed particulars which had been supplied to the board extracts, which the board deemed representative, were now made and forwarded to the express company for its comments which were duly received.

This outline of the time necessary to get the parties to grips in regard to the matters at issue has been given because it is an elementary consideration that a statement of claim is the foundation of a complaint. No matter how simple and non-technical its wording may be—and the board has never allowed any technicality to defeat the hearing of a complaint—it is readily apparent that a simple statement of the case at issue should be supplied at the outset both to the board and to the railway or express company against which the complaint is directed.

It is to state a commonplace, at times disregarded by applicants, when it is stated that to deal with complaint and decide it, the board must hear the other side. If the other side has no information as to what it has to meet then the plunging into the middle of things makes for delay, not for expedition. The board desires to proceed with expedition it cannot proceed by intuition.

The reasons which led to the issuance of the Board's orders 17384 and 17492 are fully set out in the judgment of the board in its decision of July 23, 1912, in the matter of the special local tariff of Dominion and Canadian Northern Express Companies applicable on cream between points in the provinces of Saskatchewan, Alberta, and Manitoba, and Ontario west of Port Arthur, on distances not exceeding 300 miles made effective on November 1, 1911, which was suspended by the board on October 27, 1911.

The effect of the decision in question was to put in force west of Port Arthur up to the Western Boundary of Alberta the same rates on cream as had been put in force by the board east of Port Arthur.

The statistical details furnished by the Carlyle Dairy Company of Calgary, the Edmonton City Dairy Company, Limited, of Edmonton, and the Central Creamery of Calgary, operated by Mr. P. Pallesen, give in the case of the Carlyle Dairy Company a statement of the shipments in the period from January to October, 1912. This sets out the mileage for each point, the charges under the present rates, and the charges under the old rates. Mr. Pallesen's statement of particulars cover the shipments for one month only, viz., August, 1912. While giving the total number of cans shipped by days and the differences between the old and the new rates, it does not give the points of shipment or mileages. The statement supplied by the Edmonton City Dairy gives for the month of July, 1912, the shipments, points of shipment and the distances and comparison of the old and new rates.

It is the increase in rates which is complained of. The board in its judgment already referred to, sets out the necessity for uniformity of rate as between "sweet" and "sour" cream irrespective of use. What is said there is equally applicable here.

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Mr. Prevey of the Edmonton City Dairy complains of the rates as being on a higher basis than in the east. He is in error here as the basis is the same. He complains also that the rates are higher than exist in the United States. The board has already dealt with this method of comparison in the decision already referred to and the course of reasoning applied there must apply here. Rates as arrived at in the United States are not criteria of reasonable rates in Canada unless the circumstances in both cases are on all fours.

Re charge for returned empties.

Mr. Prevey of the Edmonton Dairy stated that there was no advantage in this arrangement to the shipper because there was no redress where the returned empties were lost. He stated:

"We would further object to the charge of five cents per can being levied against us for the return of empties as we claim we are not in any way benefited by this charge. In fact at the present time, we feel that we are placed to considerable expense on account of the imposing of this charge in addition to the charge. We are at present expected to fill in a prepaid slip indicating the number of cans and to whom shipped, and to the station shipped to. This requires several minutes work on our part before delivery of our cans to the station. At the station, we are required to deliver the cans much earlier, that is, we have to deliver them at the station in advance of the departing of the train from thirty minutes to one and a half hours in order to give the express messenger an opportunity of checking over these cans, but under the present system, we do not receive results for these cans, and if there are any cans lost, we are as helpless to receive compensation for same as under the old system, when we simply loaded all the cans into the express, and they were thrown off at the different stations."

However it would appear that the company does not dispute its liability for Mr. Burr in his letter of January 28, in commenting on this statement of Mr. Prevey said:—

"It was stated by Mr. Prevey of Edmonton that no receipts were given for empty cans and that there was no redress in case cans were lost. Upon taking this matter up with our people in the west, I am advised that the shippers list the cans on prepay slips and the cans are checked and waybilled from those forms, which are signed by the Company's agents and retained by the shippers, and as the shipments are waybilled there would be no difficulty at any time to trace any shipment that was claimed to have been lost. This practice seems to have been satisfactory to the shippers.

Our Superintendent reports that no claims have been entered by Mr. Prevey in connection with lost cans. If there had been, they would have received prompt attention. No complaints had been received on this score up to the time it was mentioned at the hearing. Our Superintendent spoke to Mr. Prevey about it and he now appears to be satisfied."

In the rate computations to be referred to shortly the charge of 5 cents per returned empty is included in the computation as an increase of the rate. The question of returned empties was gone into in the judgment in the General Express Investigation, and the reasons for authorizing a charge for returned empties will be found set out at page 58 thereof. The charge for the returned empty is a charge for a service distinct from that of handling the incoming package and the existence of this charge is justifiable.

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Increased Rates.

The statement as to the increased burden under the new rates as compared with the old rates is set out in the following tabular summary:—

Dairy.	New Rates.	Old Rates.	Period.
Carlyle...	\$4,133 45	\$2,024 21	Jan-Oct., 1912
Central Creamery.. . . .	821 25	467 79	August, 1912
Edmonton City Dairy ..	3,834 92	2,716 29	July, 1912

For purposes of further analysis there should for the reason already given be deducted from the amounts of the new rates the charge for returned empties. Then again consideration must be taken of the fact that whereas under the old tariff sweet cream had a higher rate than cream for butter making purposes, under the equalizations of the tariff cognizance must be taken both of the increases in the rate of cream for butter making and the decreases on the sweet cream not so limited as to purpose. Mr. Carlyle in submitting his summary of increased rates says, "the old rate has been figured on sour cream basis. Sweet cream would not be more than 25 per cent of the total." It may be noted in passing the express companies in Manitoba made calculations on the basis of 20 per cent sweet cream for domestic purposes and the balance for butter making.

While cream is not carried by freight a comparison between the first-class rate and the express rate as charged has a bearing on the rates complained of. The express rate is on a basis of an 8-gallon can; Calgary rates being exclusive of cartage, in the comparisons set out hereunder, 5 cents per can is deducted from the express rates as representing wagon service.

Western Cream Express Rates.

8-gallons cans.

To Calgary.	Miles.	First-class freight per can.	Express per can.	Minimum one can freight.	Express.
Innisfail.....	77	35	36	35	36
Penhold.....	86	37	36	37	36
Carstairs.....	41	27	26	35	26
Bowden.....	69	33	31	35	31
Dalry.....	33	24	26	35	26
De Winton.....	19	15	20	35	25
Blackfalds.....	107	37	46	37	46
Airdrie.....	21	18	20	35	25
Okotoks.....	28	21	26	35	26
Midnapore.....	11	14	20	35	25
Erskine.....	157	51	56	51	56
Olds.....	58	29	31	35	31
Didbury.....	48	27	26	35	26
Red Deer.....	95	37	36	37	36
Acme.....	62	31	31	35	31
Crossfield.....	31	21	26	35	26
Cochrane.....	23	18	20	35	25

The details given in the statement of Messrs. Carlyle and Prevey permit the can-miles to be computed. The statement of the Central Creamery does not enable this to be computed. Taking the can-miles and striking the average, it is found that the average haul of the Carlyle Dairy is 65.5 miles, while in the case of the Edmonton City Dairy the average hauls are by the Dominion Express 55.3 miles, the Canadian Express 94.4 miles, and by the Canadian Northern Express 76.3 miles.

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The figures supplied by the Carlyle Dairy may be taken for the purpose of analyzing the increases complained of. While they do not cover as large a total of cans as the Edmonton Dairy, judging by the month's figures supplied by that company, they have the advantage of covering a period of ten months which tends to give a more characteristic statement as seasonal fluctuations are offset one against another. In point of average mileage there is but little difference, the average haul of the Calgary Dairy being 66.5 while the combined average haul of the three express companies serving the Edmonton City Dairy is 72.8 miles. As it is complained by the applicants that the burden of rates is too heavy on the shorter as compared with the longer haul it follows that it is not unfair to take the Carlyle Dairy with its average haul as putting the matter in its most extreme form. While percentage comparisons are apt to be fallacious, unless on the same base, it may be noted that in the increase of the present rate over old rate there appears on the figures furnished an increase of 75 per cent for the Carlyle Dairy, 75 per cent for the Central Dairy and 38 per cent for the Edmonton Dairy.

For the month of October, 1912, the shipments and mileages of the Carlyle Dairy were as follows:—

Month.	Station.	Mileage.	Cans.
October	Innisfail	77	368
"	Penhold	85	77
"	Carstairs	41	38
"	Bowden	69	52
"	Dalroy	34	16
"	DeWinton	19	5
"	Blackfalds	107	9
"	Airdrie	20	12
"	Okotoks	28	3
"	Midnapore	0	6
"	Erskine	100	3
"	Olds	68	27
"	Didsbury	48	18
"	Red Deer	94	65
"	Acme	69	92
"	Crossfield	30	5
"	Cochrane	23	33
			829

The details given for the seventeen points covered by this table are characteristic as the shipments from these points cover 99.7 per cent of the shipments during the ten month period under consideration.

While the total charges under the new rates are given as \$4,133.45, there must be deducted, if comparison is to be made on the basis of inward rates, the charges on the returned empties.

Then again the difference between the former rate on "sweet" cream—cream for domestic use—and "sour" cream—cream for butter making—and the present rate as computed, must be considered. As October is a characteristic month the computations made on the basis of this month will be characteristic. Of the 829 cans shipped in October, one fourth would, on Mr. Carlyle's statement, have taken the sweet cream rate. The revised computations as to comparative earnings are set out in the following table:—

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To Calgary.	"Sweet Cream."					"Sour" Cream, i.e., Cream for Butter Making.					
	No. of cans on basis of 25 p.c.	Old rate per can.	Total of old rate.	Total of new rate.	Reduc- tion.	No. of cans on basis of 25 p.c.	Old rate per can.	New rate per can.	Total cost old rate.	Total cost new rate.	Increase.
		cts.	\$ cts.	\$ cts.	\$ cts.		cts.	cts.	\$ cts.	\$ cts.	\$ cts.
Innisfail	92	96	88 32	37 72	50 60	276	26	41	71 76	113 16	41 40
Penhold	19	96	18 24	7 79	10 45	58	28	41	16 24	23 78	7 54
Carstairs	9	57 6	5 19	2 17	2 48	29	20	31	5 80	8 99	3 19
Bowden	13	76 8	9 90	4 68	5 31	39	24	36	9 36	14 04	4 68
Delroy	4	57 6	2 31	1 24	1 07	12	20	31	2 40	3 72	1 32
DeWinton	1	38 4	39	25	14	4	19	25	76	1 00	24
Blackfields	2	115 2	2 31	1 02	1 29	7	34	51	2 38	3 57	1 19
Airdrie	3	38 4	1 16	75	41	9	19	25	1 71	2 25	54
Okotoks	1	57 6	58	31	27	2	20	31	40	62	22
Midnapore	1	38 4	39	25	14	5	18	25	90	1 25	35
Erskine	1	134 4	1 35	61	74	2	46	61	92	1 22	30
Olds	7	76 8	5 38	2 52	2 86	20	24	36	4 80	7 20	2 40
Didsbury	4	57 6	2 31	1 24	1 07	14	20	31	2 80	4 34	1 54
Red Deer	16	96	15 36	6 56	8 80	49	30	41	14 70	20 09	5 39
Acme	23	76 8	17 67	8 28	9 39	69	24	36	16 58	24 84	8 26
Crossfield	1	57 6	58	31	27	4	20	31	80	1 24	44
Cochrane	8	38 4	3 08	2 00	1 08	25	19	25	4 75	6 25	1 50
	205	174 61	.....	78 24	96 37	624	.....	.....	157 06	237 56	80 50

To summarize the following comparisons of the payments necessary for the inward movement may be made:—

New rate as given	\$4,133 45
Returned empties 9,858 at 5 cents	492 90
Net inward charge	\$3,640 35
Old rates (corrected as above indicated)—	
Three quarters of 9,858 cans "sour" cream rates	\$1,818 15
One quarter of 9,858 cans at "sweet" cream rates	2,116 92

$$\text{Equal to } \frac{2464}{205} \times \$176.41.$$

\$3,935 07

That is to say the old rates on corrected basis are higher than the new rates by \$294.72.

The rates may be compared in terms of can-miles. The total movement of the Carlyle Dairy for the period under review amounts to 655,342 can-miles. On these the net earnings are \$3,640.35, that is to say on the new rates inward the earnings were 5.5 cents per can-mile. On the old (corrected) rate basis inward the earnings would have amounted to 6.004 cents per can-mile.

After careful consideration of the evidence submitted I am of the opinion that the Order of the board should not be varied so far as the rate basis is concerned.

Rates exclusive of Delivery Service.

There is also raised in the complaint the question of rates for delivery service, it being contended that the delivery service instead of being an advantage to the dealers is a detriment because of its uncertainties. In the hearing leading up to the determination as to cream rates east of Port Arthur, which the board has followed west thereof to the western boundary of Alberta, it was found in the course of the hearing that while there was some difference of opinion the majority of those concerned considered it was a distinct advantage to have the delivery service and so it was continued. The provision in connection therewith was made general because it was recognized

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that it would be unfair to leave the situation open by providing that the payment for delivery should be left as a payment dependent on whether the service was performed or not. For it was recognized that if at times the shipper performed his own delivery service, thereby being exempt from payment, while at other times he called upon the express company to deliver in return for a payment, it would result in the condition that the express company would be called upon simply in the case of the "peak load," or of especially long hauls. The result of this would be that the express company would require to maintain delivery wagons sufficient to meet a "peak load" situation which would not necessarily be subject to any law of periodicity. The result of this would be that an unnecessary burden of idle equipment would during a considerable portion of the time, have to be maintained. In addition as this would be part of the plant, the cost of its maintenance would be charged against all users of express service. And so in respect of the delivery service of cream it seemed fair to follow the principle "all or none."

In the case before us the situation is different. The applicants assert their willingness to perform their own delivery service and under proper provisions this may be provided for. I am therefore of opinion that the matter will be provided for by substitution of the following rules for those now included in the tariff, the present tariff rates being reduced by 5 cents per can by making them exclusive of delivery.

1. Returned empty cans, which are carried full by this company under this tariff, will be charged at the rate of 5 cents each to the original point of shipment.

2. The rates shown herein include the collection of full or empty cans at points where the company furnishes a wagon service, but do not include delivery.

3. The consignee may give the company's local agent a written general or continuing notice that until such notice is withdrawn (which shall not be within one month from the date thereof) he desires all his cream delivered by the company's wagons; and on receipt of such notice, and until its withdrawal, the company will furnish the service at an additional charge of 5 cents per can.

NOTE.—Agent will preserve such notices in his possession for reference, and, if withdrawn, for at least one year thereafter.

4. No reduction from these rates will be made for smaller or partially filled cans.

5. Two 5-gallon cans will not be carried at the rate for a 10-gallon can.

6. Between common points where a competing company may have a shorter line, this company's rates will be based upon the shorter distance.

In addition applicants are to have the advantage of the extension of the existing rates to a distance of four hundred miles instead of three hundred miles as the tariff now reads.

Chief Commissioner Drayton concurred.

Ordered accordingly.

July 26, 1913.

RE REDUCTION IN RATES ON CREAM, SPRINGFIELD TO HAMILTON, ONT.

Mr. Commissioner McLEAN:

Mr. Hardwell in his report recommends a joint rate of 54 cents from Springfield to Hamilton, reserving the rights of the American Express Company to make application to the board for a division of the through rate, in the event of its not being satisfied to allow the Dominion Express Company its local from Hamilton. I have read through the correspondence which has been submitted by both the American and Dominion Express Companies. I think the position of the Dominion Express Company is well taken. The situation is that the American Express Company gives the reduced rate of 20 cents for furtherance from Brownsville. Brownsville is 5½ miles east of Springfield. Brownsville is an exclusive office of the American Express Com-

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pany. Apparently the rate from Brownsville for furtherance has been put in by the American Express Company in competition with the one company rate of the Canadian Express from contiguous stations on the Grand Trunk. While such treatment is given at Brownsville it is not extended to Springfield. The granting of the 20 cents for furtherance to Brownsville is an outcome of market competition. While the American Express Company may reduce rates on this account, it must at the same time meet any allegation of discrimination as to traffic received under substantially similar circumstances. It has not been established that the traffic received at Springfield 5½ miles distant, is received under substantially dissimilar circumstances. I am, therefore, of opinion that an order should go directing the American Express Company to put in a 23-cent rate from Springfield to Hamilton. This will enable a combination rate of 54 cents to be built up.

Assistant Chief Commissioner Scott concurred.

Ordered accordingly.

February 25, 1914.

APPENDIX D.

SIR,—I have the honour to submit for the ninth report of the board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour car schedules filed with the board from November 1, 1904, to March 31, 1913, and from April 1, 1913, to March 31, 1914, inclusive; also of the more important orders relating to traffic, issued by the Board from April 1, 1913, to March 31, 1914.

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING MARCH 31, 1914.

FREIGHT—

Local tariffs.. . . .	6,180	
Supplements.. . . .	14,774	20,954
Joint tariffs.. . . .	12,927	
Supplements.. . . .	40,759	53,686
International tariffs.. . . .	46,642	
Supplements.. . . .	163,229	209,871
		<hr/>
		284,511

PASSENGER—

Local tariffs.. . . .	5,304	
Supplements.. . . .	5,132	10,436
Joint tariffs.. . . .	2,625	
Supplements.. . . .	4,488	7,113
International tariffs.. . . .	9,609	
Supplements.. . . .	11,914	21,523
		<hr/>
		39,072

EXPRESS—

Local tariffs.. . . .	4,436	
Supplements.. . . .	42,915	47,351
Joint tariffs.. . . .	1,730	
Supplements.. . . .	9,091	10,821
International tariffs.. . . .	1,743	
Supplements.. . . .	936	2,679
		<hr/>
		60,851

TELEPHONE—

Local tariffs.. . . .	861	
Supplements.. . . .	789	1,653
Joint tariffs.. . . .	1,886	
Supplements.. . . .	2,107	3,993
International tariffs.. . . .	422	
Supplements.. . . .	4,145	4,567
		<hr/>
		10,213

TELEGRAPH—

Tariffs.. . . .	85	
Supplements.. . . .	68	153

SLEEPING AND PARLOUR CAR—

Local tariffs.. . . .	49	
Supplements.. . . .	33	82
Joint tariffs.. . . .	21	
Supplements.. . . .	25	46
International tariffs.. . . .	27	
Supplements.. . . .	34	61
		<hr/>
		189

Combined totals, all schedules.. . . . 394,989

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SCHEDULES RECEIVED FROM APRIL 1, 1913, TO AND INCLUDING MARCH 31, 1914.

FREIGHT—			
Local tariffs.. . . .	1,073		
Supplements.. . . .	1,898	2,971	
Joint tariffs.. . . .	2,101		
Supplements.. . . .	9,883	11,184	
International tariffs.. . . .	15,906		
Supplements.. . . .	42,365	58,271	
			72,426
PASSENGER—			
Local tariffs.. . . .	966		
Supplements.. . . .	1,686	2,652	
Joint tariffs.. . . .	750		
Supplements.. . . .	1,669	2,419	
International tariffs.. . . .	1,359		
Supplements.. . . .	3,614	4,973	
			10,044
EXPRESS—			
Local tariffs.. . . .	237		
Supplements.. . . .	7,077	7,314	
Joint tariffs.. . . .	964		
Supplements.. . . .	1,496	2,460	
International tariffs.. . . .	23		
Supplements.. . . .	20	43	
			9,817
TELEPHONE—			
Local tariffs.. . . .	44		
Supplements.. . . .	55	99	
Joint tariffs.. . . .	132		
Supplements.. . . .	818	950	
International tariffs.. . . .	4		
Supplements.. . . .	650	654	
			1,703
TELEGRAPH—			
Tariffs.. . . .	4		
Supplements.. . . .	18		22
SLEEPING AND PARLOUR CAR—			
Local tariffs.. . . .	3		
Supplements.. . . .	11	14	
Joint tariffs.. . . .	4		
Supplements.. . . .	16	20	
International tariffs.. . . .	8		
Supplements.. . . .	32	40	
			74
Combined totals, all schedules.. . . .			94,086
GRAND TOTAL.. . . .			489,075

SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED DURING THE YEAR ENDED MARCH 31, 1914.

No. 19069, April 1, 1913.—Telegraph companies to receive and transmit both plain-language and code-language Japanese telegrams, at code-language count (maximum ten letters per word) between points in Canada.

No. 19006, April 9, 1913.—Approves Canadian Northern Railway Company's Standard Freight Mileage Tariff C.R.C. E. 212, for use on its lines east of Port Arthur, Ont.

No. 19086, April 17, 1913.—Establishes express collection and delivery limits in the city of St. John, N.B.

No. 19128, April 25, 1913.—Approves the Standard Freight Mileage Tariff of the Grand Valley Railway Company, C.R.C. No. 3.

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No. 104 (General Order), April 30, 1913.—Prescribes a general reduction in express rates in the territory between Sudbury and Sault Ste. Marie and the Pacific Coast.

No. 19269, May 13, 1913.—Approves Supplement No. 12 to the Express Freight Classification No. 2.

No. 19332, May 17, 1913.—Approves Standard Freight Mileage Tariff of the Hull Electric Railway Company, C.R.C. No. F-1.

No. 19395, May 23, 1913.—Establishes express collection and delivery limits in the town of Gull Lake, Sask.

No. 19497, June 5, 1913.—Dismisses an application of the Board of Trade of Kelowna, B.C., for abrogation of the dockage charge of one dollar per car for moving cars from or to the Okanagan Lake barges of the Canadian Pacific Railway Company to and from team tracks and private sidings at Kelowna.

No. 19512, June 9, 1913.—Establishes express collection and delivery limits in the town of Kelowna, B.C., said limits enlarged by order No. 20570, October 8, 1913.

Nos. 19530, 19532, 19533, and 19537, June 9, 1913.—Defines express collection and delivery limits in the cities of London, Ont., Sault Ste. Marie, Ont., Windsor, Ont., and St. Thomas, Ont., respectively.

Nos. 19531, 19534 and 19538, June 9, 1913.—Establishes express collection and delivery limits in the towns of Taber, Alta., Walkerville, Ont., and Hailbury, Ont., respectively.

No. 19570, June 13, 1913.—Prescribes an allowance of three dollars per car by carriers to shippers who furnish slats for floors of refrigerator cars not equipped with permanent slatted or double floors for the carriage of fruits (apples excepted) under refrigeration.

No. 19702, June 27, 1913.—Approves the one-way fares of the Montreal and Southern Counties Railway Company's local passenger tariff, C.R.C. No. 3 as the maxima between Montreal and Richelieu, Que., and intermediate stations.

No. 19709, May 30, 1913.—Enlarges the express collection and delivery limits in the city of Portage la Prairie, Man., fixed by order No. 14882, September 15, 1911.

No. 19710, June 27, 1913.—Suspends modifications, within Canada, of stop-over rules on American lumber, shown in Supplement 5 to G.T.R. Tariff C.R.C. 2374, and Supplement 9 to C.P.R. Tariff C.R.C. 2141.

No. 19712, June 30, 1913.—Great Northern Ry. Co. required to publish additional rates on ore, in carloads, from Salmo, B.C., to Nelson, B.C., appropriate to variant values.

No. 19723, June 27, 1913.—Dismissing application for extension of five days' free time for transshipping ore from cars to vessels at Sorel, Que.

No. 19738, June 30, 1913.—Grand Trunk Pacific Ry. Co. to adjust its charges on sand received at Edmonton since June 21, 1912, to the basis of 2,600 pounds per cubic yard; its freight charges to be so based until its track scale is drained and corrected, or is reinstalled, not later than November 1, 1913.

No. 19749, June 28, 1913.—Approves standard express tariffs for lines west of Sudbury, filed under general order No. 104.

No. 19786, June 10, 1913.—Approves Supplement No. 1 to the Canadian Freight Classification No. 16.

No. 19799, June 11, 1913.—Approves the British American Express Company's Standard Tariff, C.R.C., No. 12.

No. 19937, August 5 1913.—Approves the Grand Trunk Pacific Railway Co.'s Standard Freight Mileage Tariff C.R.C. No. 18, to apply between stations in Alberta and British Columbia between and including Thornton, and mileage 1189.

No. 19857, July 22, 1913.—Establishes express collection and delivery limits in the town of Grand Forks, B.C.

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No. 19858, July 22, 1913.—Refuses application of the Canadian Pacific to cancel stop-over arrangement at Outremont, Que., on grain and grain products from western Canada.

No. 19849, May 30, 1913.—Enlarges the express collection and delivery limits in the city of St. Boniface, Man., fixed by order No. 15024, September 15, 1911.

No. 20010, August 11, 1913.—Dismisses application of the Toronto Board of Trade for a reduced classification of dried fruits.

No. 20063, August 11, 1913.—Approves terms and conditions of Bell Telephone Company's contract forms Nos. 1 and 2, in so far as they restrict or limit the company's liability.

No. 20073.—August 15, 1913.—Approves Scale "P" of the Express Classification for the carriage of currency and gold coin.

No. 20074, August 12, 1913.—Amends order No. 17384 to provide express charges for cream for additional distances to 400 miles in the Prairie Provinces.

No. 20106, August 15, 1913.—Dismisses application of the Empire Flour Mills, of St. Thomas, Ontario, for an order restoring milling-in-transit of United States corn.

No. 109 (General Order) August 27, 1913.—Suspends increased mileage rates on less-than carload shipments of grain and grain products in Eastern Canada, pending confirmation and agreement between shippers and consignees.

No. 110 (General Order).—Removes the inhibition against the carriage by freight service of trunks containing wearing apparel and personal effects, provided they be securely corded.

No. 20329, September 13, 1913.—Reduces the rate on coal from the Niagara Frontier to Islington and Lambton, Ont., from 75 cents to 70 cents per ton. Rescinds order No. 20047, August 8, 1913.

No. 20414, September 25, 1913.—Establishes express collection and delivery limits in the town of Bassano, Alta.

No. 20571, October 8, 1913.—Defines express collection and delivery limits in the town of Knowlton, Que.

No. 20681, October 27, 1913.—Pending the extension of the Canadian Northern to Estevan, Sask., the Canadian Pacific to publish joint through freight rates from Estevan via Midals to those Canadian Northern points to which joint through rates via Midals, are published by the Canadian Pacific from Weyburn, Sask.

No. 20686, October 27, 1913.—Dismisses application of the Port Hammond and District Improvement Association for an order requiring the Canadian Pacific to charge the same or similar week-end fares from Port Hammond to the coast cities, as charged from Vancouver to Port Hammond.

No. 20689, October 27, 1913.—Establishes express collection and delivery limits in the city of Owen Sound, Ont.

No. 20739, November 4, 1913.—Prescribes a classification of fourth class for blaugas and carbonic acid gas in steel cylinders, in carloads.

No. 20846, November 19, 1913.—Defines express collection and delivery limits in the city of Hamilton, Ont.

No. 20860, November 21, 1913.—Defines express collection and delivery limits in the town of Cochrane, Ont.

No. 20861, November 20, 1913.—Dismisses application of Otis-Fensom Elevator Company for the same classification ratings on elevator guides (iron or steel) as on railway rails.

Nos. 20865 and 20866, November 21, 1913.—Establishes express collection and delivery limits in the towns of Sudbury and North Bay, Ont., respectively.

No. 20883, November 24, 1913.—Establishes express collection and delivery limits in the town of Leamington, Ont.

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No. 20912, November 25, 1913.—The Vancouver, Victoria & Eastern Railway and Navigation Co. (Great Northern Railway) to publish tariffs on lumber, shingles, etc., from its points between Vancouver and New Westminster, to Prairie points, on the basis of one cent per 100 pounds over the rates of the Canadian Pacific from Vancouver or New Westminster.

No. 20925, November 25, 1913.—Adds rating of fourth class for peanut butter in carloads to the Canadian Freight Classification.

Nos. 20972 and 20973, December 4, 1913.—Defines express collection and delivery limits in the cities of Edmonton, Alta., and Levis, Que., respectively.

No. 20988, December 10, 1913.—Defines express collection and delivery limits in the town of New Liskeard, Ont.

No. 21028, December 20, 1913.—The Canadian Pacific Railway Co. to extend to the Ontario & Manitoba Flour Mills, Limited, the privilege of milling all-rail grain at Sudbury, Ont., in transit from Port Arthur, Fort William, and points west thereof, at the through rates therefrom to all points east of Sudbury and the Detroit and St. Clair Rivers, plus one cent per 100 pounds for the Sudbury stop-over service.

No. 21088, December 25, 1913.—Establishes express collection and delivery limits in the city of Lethbridge, Alta.

No. 21089, December 25, 1913.—Establishes express collection and delivery limits in the city of Vernon, B.C.

No. 21148, January 2, 1914.—The Grand Trunk Railway Co. to put into force a rate of 8 cents per 100 pounds on imported wood pulp, in carloads, from Montreal Harbour to Windsor Mills, Que., including terminal charges at Montreal.

No. 117 (General Order) January 8, 1914.—On and after February 1, 1914, shipments of express freight subject to table of "graduate" charges for shipments weighing less than 100 pounds incorporated in the Express Classification, the carriage of which between points in Canada involves the services of two or more express companies, to be charged the appropriate "graduate" under the lowest through or aggregate rate per 100 pounds.

No. 118 (General Order) January 15, 1914.—Railway companies to accept freight consigned "to order" for delivery at "flag" stations, under regulations prescribed therein.

No. 120 (General Order) February 3, 1914.—Amends tariffs of charges for detention of refrigerator cars loaded with perishable freight, by disallowing the charge at the point of loading.

No. 21347, February 10, 1914.—Approves Supplement No. 3 to the Express Classification, prescribing regulations for the carriage of live poultry in coops.

No. 21440, March 3, 1914.—The American Express Co. to publish a rate of 23 cents per 100 pounds from Springfield, Ont., to Hamilton, on cream destined to Toronto.

No. 21515, March 16, 1914.—Approves Marconi Wireless Telegraph Company's tariffs (C.R.C. No. 8) of new rates for cable letters and week-end letters.

No. 123, (General Order) March 19, 1914.—Prescribes a form of "Release of responsibility" in connection with the carriage of second-hand clothing, wearing apparel and personal effects in trunks, securely corded.

I have the honour to be, Sir,

Your obedient servant,

J. HARDWELL.

APPENDIX E.

LIST OF INSPECTIONS MADE BY THE ENGINEERING DEPARTMENT
FROM APRIL 1, 1913, TO MARCH 31, 1914.

April 1.—Inspection for opening for traffic of the second track of the Canadian Pacific Railway between Mortlach, mileage 25.6, to Parkbeg, mileage 34, a distance of 8.4 miles.

April 2.—Inspection of culvert on the line of the Canadian Pacific Railway, near Arnprior, Ont., in connection with complaint of G. Baker *re* flooding of his land.

April 3.—Inspection of location of the Canadian Northern Ontario Railway through the town of Pembroke, Ont.

April 3.—Inspection of highway crossing on the line of the Canadian Northern Ontario Railway near Westmeath, Ont.

April 4.—Inspection of yard signals on the Grand Trunk Railway at Montreal, Que.

April 5.—Inspection *re* improved cattle guard proposed by Mr. Jonas Pehrson of Tyndale, Man.

April 11.—Inspection of Gravel Road crossing of the Grand Trunk Railway at Morrisburg, Ont.

April 11.—Inspection of the Waltham Branch, of the Canadian Pacific Railway between Hull and Aylmer, Que.

April 11.—Inspection of the Laggan division of the Canadian Pacific Railway *re* exemption from fencing west of Banff, B.C.

April 12.—Inspection of the main line of the Grand Trunk Pacific Railway west of Winnipeg for exemption from fencing.

April 14.—Inspection of the Suffield-Blackie branch of the Canadian Pacific Railway for opening for freight traffic.

April 14.—Inspection of the Central Vermont Railway in connection with derailment near St. Lambert, Que.

April 15.—Inspection of culverts on the Grand Trunk Railway near Bulstrode, Que.

April 16.—Inspection of the St. Francois River bridge on the line of the Quebec, Montreal & Southern Railway.

April 18-24.—Inspection of New York Central station at New York; also track work on the New York Central & Hudson River Railroad, and Central Railway of New Jersey.

April 19.—Inspection of bridge 179.1 on the Calgary subdivision of the Canadian Pacific Railway, for opening for traffic.

April 19.—Inspection of subway at 9th avenue east, Edmonton, on the line of the Canadian Pacific Railway.

April 21.—Inspection of bridges 7.7 and 7.8 on the Laggan subdivision of the Canadian Pacific Railway for opening for traffic.

April 21.—Inspection of the Canadian Northern Railway right of way in the District of Ochre River *re* fences and cattle guards.

April 22.—Inspection of the line of the Canadian Northern Quebec Railway *re* derailment near St. Cuthbert, Que.

April 23.—Inspection of the Canadian Northern Railway near Glenavon, Sask., *re* uncompleted condition of crossing of main road to Glenavon

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April 23.—Inspection of the Hallboro-Beulah branch of the Canadian Northern Railway *re* condition of line.

April 23.—Inspection of the line of the Canadian Northern Quebec Railway between Montreal and Quebec.

April 24.—Inspection of farm crossing for Joseph Meehan on the line of the Georgian Bay & Seaboard Railway.

April 24.—Inspection of bridge No. 186 on the line of the Grand Trunk Railway over the Becancour River at Lyster, Que.

April 25.—Inspection of bridges on the Sherbrooke subdivision of the Canadian Pacific Railway.

April 25.—Inspection of railway ditches on the Canadian Pacific Railway at Iberville Junction *re* complaint of Jos. Thuot.

April 26.—Inspection of proposed station site about one and a half miles south of Guelph Junction on the line of the Canadian Pacific Railway.

April 28.—Inspection of location of spur from the Toronto, Hamilton and Buffalo Railway at Hamilton, Ont., across Cumberland avenue to the premises of Messrs. Furnival-New, Ltd., and the Henry New Estate.

April 29.—Inspection of proposed location of spur from the Grand Trunk Railway for Forwarding, Ltd., Kingston, Ont.

April 29.—Inspection of the crossing of the Third Concession road in the township of Stamford by the Grand Trunk Railway.

May 5.—Inspection of diversion of road allowance on the Canadian Pacific Railway near mileage 60, east of the town of Qu'Appelle, Sask.

May 6.—Inspection of bridge on the Brandon subdivision of the Canadian Pacific Railway.

May 6.—Inspection of the Campbellford, Lake Ontario and Western Railway *re* cattle pass for C. R. Clow on lot 23, concession 3, township of Hinchinbrooke.

May 7.—Inspection *re* proposed road allowance diversion at mileage 66·8 on the main line of the Canadian Pacific Railway.

May 8.—Inspection of interlocking plant at swing bridge over the Batiscan river on the Canadian Pacific Railway.

May 9.—Inspection of crossing gates at St. Remi street, Montreal, on the Grand Trunk Railway.

May 9.—Inspection of temporary crossing between the Bergen northeasterly cut-off of the Canadian Pacific Railway and the Canadian Northern Railway, Oak Point branch.

May 9.—Inspection of second main line track of the Canadian Pacific Railway between Adirondack Junction and Highlands, Que.

May 10.—Inspection of Notre Dame street overhead bridge on the Canadian Pacific Railway, Montreal, Que., *re* overhead clearances.

May 10.—Inspection of connection between the main line of the Canadian Northern Railway, St. Boniface, Man., and the National Transcontinental Railway track, a distance of 3,300 feet for opening for traffic.

May 12.—Inspection of bridge 37·5, on the Mountain subdivision of the Canadian Pacific Railway for opening for traffic.

May 12.—Inspection of bridge 127·2, on the Mountain subdivision of the Canadian Pacific Railway, for opening for traffic.

May 13.—Inspection of bridge 44·7, on the Shuswap subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 95·2 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 90·6 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of Bridge 95·2 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

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May 13. Inspection of bridge 102-6 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 108-6 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 110-1 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 14.—Inspection for opening for traffic of the connection between the Canadian Northern Ontario Railway and the Algoma Eastern Railway at Sudbury, Ont.

May 15.—Inspection of Calverly crossing at bridge 25-94 on Sudbury subdivision of the Canadian Pacific Railway.

May 15.—Inspection of interlocking plant at the crossing of the Grand Trunk Railway by the Canadian Northern Ontario Railway at Nipissing, Ont.

May 16.—Inspection of rails between Powassan and Trout Creek, Ont., on the Northern division of the Grand Trunk Railway.

May 16.—Inspection of proposed spur track for the Canada Tile and Fire Proofing Co., Ltd., at Carman., Man., on the line of the Canadian Pacific Railway.

May 16.—Inspection of proposed crossing of highway known as West Kildonan, and also across the Winnipeg, Selkirk and Lake Winnipeg Railway by the Canadian Pacific Railway.

May 16.—Inspection for opening for traffic of the new second track of the Canadian Pacific Railway from Pense to Belle Plains, mileage 109-7 to mileage 117-3, a distance of 7-7 miles.

May 16.—Inspection for opening for traffic of the second track of the Canadian Pacific Railway between Parkberg and Melba, a distance of 8-8 miles.

May 16.—Inspection of double track of the Canadian Pacific Railway, Moosejaw subdivision, for opening for traffic.

May 16.—Inspection of bridge 46-37 Broadview subdivision of Canadian Pacific Railway for operation.

May 16.—Inspection of bridge at mileage 94-8, Moosejaw subdivision of the Canadian Pacific Railway, at Waseana creek for operation.

May 16.—Inspection of Canada subdivision of the Canadian Pacific Railway for opening for traffic.

May 16.—Inspection of second track of the Canadian Pacific Railway between Hammond and Mission Junction for opening for traffic.

May 20.—Inspection of proposed level crossing of highway by the Canadian Northern Railway at Hilliard street, Saskatoon, Sask.

May 20.—Inspection of the line of the Canadian Northern Quebec Railway from St. Jerome to Huberdeau, Que.

May 21.—Inspection of Ste. Rose bridge on the Ottawa subdivision of the Canadian Pacific Railway.

May 21.—Inspection of the crossing of Main street, Victoriaville, Que., by the Grand Trunk Railway.

May 22.—Inspection of the crossing of the Grand Trunk Pacific main line by the Asquith-Conquest branch of the Canadian Pacific Railway in section 20, township 36, range 9, west of the 3rd meridian.

May 23.—Inspection of the Kerrobert northeasterly branch of the Canadian Pacific Railway from mileage 0 to mileage 25 for opening for traffic.

May 23.—Inspection for opening for traffic of the Kerrobert northeasterly branch of the Canadian Pacific Railway from mileage 25 to mileage 36-1.

May 27.—Inspection of bridge 24-5 on the MacLeod subdivision of the Canadian Pacific Railway for opening for traffic.

May 27.—Inspection of bridges 35-7, 54-0 and 54-7 on the MacLeod subdivision of the Canadian Pacific Railway for opening for traffic.

May 28.—Inspection of siding for the Crowsnest Stone Company on the Crowsnest subdivision of the Canadian Pacific Railway.

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May 29.—Inspection of new second track of the Canadian Pacific Railway from Belle Plains to east end of Regina yard, a distance of 17 miles.

May 29.—Inspection of crossing of Esplanade and Toronto streets, Medicine Hat, Alta., by the Canadian Pacific Railway.

June 2.—Inspection of bridge 96.6 on the Calgary subdivision of the Canadian Pacific Railway for opening for traffic.

June 2.—Inspection of bridge 140.4 on the Calgary subdivision of the Canadian Pacific Railway for opening for traffic.

June 4.—Inspection of Bethune street subway, bridge 1.85 Montreal Terminals, of the Canadian Pacific Railway, at Westmount, Que.

June 4.—Inspection of bridge 0.55, Smith's Falls subdivision of the Canadian Pacific Railway, near Montreal Junction.

June 4.—Inspection of site for Government Grain Elevator at Port Arthur, Ont.

June 5.—Inspection of the Quebec, Montreal & Southern Railway between St. Hyacinthe and Iberville Junction, Que.

June 5.—Inspection for opening for traffic of the Grand Trunk Pacific Railway branch line from Superior Junction to Fort William, a distance of 189.9 miles.

June 5.—Inspection of highway crossing between counties of Wellington and Waterloo at mileage 35.7 on the line of the Canadian Pacific Railway, about a quarter of a mile west of Wallenstein station.

June 7.—Inspection of the Laggan-Lake Louise branch of the Canadian Pacific Railway for opening for traffic.

June 9.—Opening for traffic of the Grand Trunk Pacific Railway, Biggar-Calgary branch, mileage 0 to mileage 48.

June 10.—Inspection of the crossing of the Canadian Northern Railway over Third street, Bladworth, Sask.

June 10.—Inspection of proposed station grounds of the Canadian Northern Ontario Railway at Smith's Falls, Ont.

June 11.—Inspection of proposed crossing of the Canadian Pacific Railway over the property of James Carr, Viceroy, Sask., in the southeast quarter, section 16, township 6, range 26, west 2nd meridian.

June 12.—Inspection of crossing over the main line of the Canadian Pacific Railway between the switches at Verwood, Sask.

June 12.—Inspection of the Canadian Pacific Railway between Viceroy and Assiniboia *re* train service.

June 13.—Inspection of interlocking plant where the Grand Trunk Pacific Railway, Regina-Boundary branch, crosses the Weyburn subdivision of the Canadian Pacific Railway at Griffin.

June 13.—Inspection of crossing gates at King and Sherbrooke streets, Peterborough, Ont., on the Grand Trunk Railway.

June 17.—Inspection of interlocking plant at West Toronto and Couchiching Narrows, and Trent Canal Swing bridges, on the Canadian Pacific Railway.

June 17.—Inspection of the Canadian Pacific Railway from Strathcona to Victoria street, Edmonton, for opening for traffic.

June 19.—Inspection of the Laggan to Lake Louise branch of the Canadian Pacific Railway for opening for traffic.

June 19.—Inspection of the Canadian Northern Ontario Railway *re* cattle pass for Mr. Vandervoort, Belleville, Ont.

June 19.—Inspection *re* application of Robert Wallace and others for a subway between sections 24 and 25, township 11, range 12, west principal meridian, Manitoba.

June 19.—Inspection of Main street crossing at Kenora, Ont.

June 20.—Inspection of bridges on the Canadian Pacific Railway terminals at Fort William, Ont.

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June 23.—Inspection of condition of ditch on the north side of the Canadian Northern Railway in the municipality of Atwood, Ont., *re* complaint of W. H. Williseraft, of Rainy River.

June 23.—Inspection of Canadian Northern Railway at Ridgeville, Man., *re* proposed culvert at the crossing by the Emerson Branch.

June 25.—Inspection of proposed temporary crossing of the Selkirk branch of the Canadian Pacific Railway (Winnipeg Branch) by the Stonewall branch of the Winnipeg-Selkirk & Lake Winnipeg Railway.

June 25.—Inspection of the line of the Canadian Northern Quebec Railway between Joliette and Quebec.

June 27.—Inspection of proposed subway under the Canadian Pacific Railway at Third avenue, Yorkton, Sask.

June 27.—Inspection of drainage along the line of the Canadian Northern Railway in section 34, township 29, range 32, west principal meridian.

June 27.—Inspection of location of the Campbellford, Lake Ontario & Western Railway in the vicinity of Moira River bridge at Belleville, Ont.

June 29.—Inspection of wreck on the Canadian Pacific Railway at Westboro, Ont.

June 30.—Inspection of proposed highway crossing asked for by the township of Fitzroy on the Grand Trunk Railway at Carp, Ont.

June 31.—Inspection of Longue Point spur of the Canadian Pacific Railway at Maisonneuve, Que.

July 1.—Inspection of the Kootenay Central Railway from Golden to Spillimachen, a distance of 41 miles, for opening of traffic.

July 2.—Inspection of crossing of the main line double track of the Grand Trunk Railway over Ottawa street, Hamilton, Ont.

July 3.—Inspection of the line of the Hamilton Radial Railway along the highway on Burlington Beach.

July 8.—Inspection of proposed spur for the Toronto Steel Company, and Weston Road subway, on the Grand Trunk Railway, at Weston, Ont.

July 9.—Inspection of road-bed of the Grand Trunk Railway at Cayuga, Ont.

July 9.—Inspection of temporary bridge over Pitt river on the Cascade division of the Canadian Pacific Railway.

July 10.—Inspection of culvert on the Canadian Pacific Railway *re* complaint of the township of Tecumseh, Ont.

July 10.—Inspection of highway and farm crossings on the Canadian Pacific Railway at Edmundston, N.B.

July 11.—Inspection of track of the Canadian Pacific Railway *re* derailment at Newburg, Ont.

July 18.—Inspection of work done at overhead bridge at Lachine Road Crossing, on the Grand Trunk Railway at Rockfield, Que.

July 18.—Inspection of Canadian Pacific Railway crossing of 34th avenue, MacLeod, Alta.

July 19.—Inspection of site of crossing of the Canadian Pacific Railway in the village of St. Pie, Que.

July 19.—Inspection of crossings and diversion of the Canadian Pacific Railway in the township of Bedford, Quebec.

July 19.—Inspection of the Canadian Pacific Railway *re* cattle pass for A. Buckley, Parham, Ont.

July 19.—Inspection of proposed road diversion on the line of the Canadian Pacific Railway in the township of Hinchinbroke, Ont.

July 22.—Inspection of bridge 65.6 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 22.—Inspection of bridge 53.7 on the Crowsnest subdivision of the Canadian Pacific Railway.

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July 23.—Inspection of yard of Canadian Pacific Railway at Fernie, B.C., *re* wing guards.

July 23.—Inspection of bridge 89.2 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 23.—Inspection of bridge 13.2 on the Sirdar subdivision of the Canadian Pacific Railway.

July 23.—Inspection of bridge 87.8 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 23.—Inspection of bridge 75.0 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 24.—Inspection of condition of track of the Canadian Pacific Railway, Rossland subdivision, six and a half miles south of Castlegar, where accident took place.

July 26.—Inspection of bridge 82.7 on the Boundary subdivision of the Canadian Pacific Railway.

July 26.—Inspection of bridge 1.43 on the British Columbia subdivision of the Canadian Pacific Railway.

July 26.—Inspection of bridge 118.4 on the Boundary subdivision of the Canadian Pacific Railway.

July 26.—Inspection of road crossing on the Canadian Pacific Railway near Greenwood, B.C.

July 29.—Inspection of culverts and ditches on the Canadian Pacific Railway at Portneuf, Que., *re* complaint of Narcisse Marcotte.

July 30.—Inspection of second main line track of the Canadian Pacific Railway between Farnham and Iberville, Que.

August 3.—Inspection of the St. James interlocking plant of the Midland Railway of Manitoba.

August 3.—Inspection of Longue Pointe spur of the Canadian Pacific Railway at Maisonneuve, Que.

August 5.—Inspection of proposed location of the Canadian Northern Ontario Railway station in the township of Dorion, Ontario.

August 7.—Inspection of Oak Point branch of the Canadian Northern Railway for opening for traffic.

August 12.—Inspection of main line of the Grand Trunk Pacific Railway from Tête Jaune Cache, mileage 1095.3, to the second crossing of the Fraser river, mileage 1189, a distance of 93.7 miles.

August 12.—Inspection for opening for traffic of the double track of the Lake Superior subdivision of the Canadian Pacific Railway, from Robert to Ramsay, Ont.

August 12.—Inspection for opening for traffic of the Canadian Pacific Railway between Azilda and Larchwood, Cartier subdivision of the Canadian Pacific Railway.

August 12.—Inspection of bridges on the North Bay subdivision of the Canadian Pacific Railway for opening for traffic.

August 15.—Inspection of bridges on the Soo branch of the Canadian Pacific Railway for opening for traffic.

August 15.—Inspection of overhead bridge on the Algoma Central and Hudson Bay Railway at Steelton, Ont.

August 15.—Inspection of bridge 3.8 on the Algoma Central and Hudson Bay Railway, damaged by embankment slide.

August 16.—Inspection of bridge 79.68, over the Batchewana river, and bridge 151.5, over the Michipicoten river, on the Soo division of the Algoma Central and Hudson Bay Railway, for opening for traffic.

August 16.—Inspection for opening for traffic of the Algoma Central and Hudson Bay Railway from Franz to Oba, Ont.

August 18.—Inspection for opening for traffic of the Algoma Eastern Railway from West river to Goat island.

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August 19.—Inspection of fencing on the Sudbury subdivision of the Canadian Pacific Railway *re* complaint of Mr. Daoust.

August 19.—Inspection of double track of the Moosejaw subdivision of the Canadian Pacific Railway from mileage 49 to mileage 70·27 for opening for traffic.

August 20.—Inspection of the Griffin branch of the Canadian Pacific Railway from Alida, to Tilston, a distance of 26·2 miles.

August 20.—Inspection of site of crossing asked for by the municipality of Verner, Ont., on the Canadian Pacific Railway.

August 23.—Inspection of site of proposed grain elevator for the Board of Grain Commissioners at Fort William, Ont.

August 25.—Inspection of location of the Grand Trunk Pacific Railway along Empire avenue, Fort William, Ont.

August 25.—Inspection of fencing on the Canadian Northern Railway in section 18, township 18, range 20, west principal meridian *re* complaint of Mr. Dan Lilley, of Sandy Lake, Man.

August 25.—Inspection of the Canadian Pacific Railway *re* drainage near Masconiche, Que.

August 27.—Inspection for opening for traffic of the Grand Trunk Pacific Railway, Biggar-Calgary branch from Dodsland, mileage 49, to mileage 66·5.

August 30.—Inspection for opening for traffic of the new second track of the Canadian Pacific Railway from Chaplin to Ernfold, a distance of 11·5 miles.

August 30.—Inspection for opening for traffic of the Grand Trunk Pacific Railway, Regina-Boundary branch, from Talmage, mileage 66·5, to the Boundary line, mileage 155.

August 30.—Inspection of subway on the Canadian Pacific Railway at Eleventh avenue, Moosejaw, Sask.

September 1.—Inspection of proposed crossing over the main side tracks of the Canadian Pacific Railway at Verwood, Sask.

September 1.—Inspection of the Quebec Oriental Railway in the county of Bonaventure, Quebec.

September 1.—Inspection of highway crossings on the Quebec Oriental Railway in the municipality of New Richmond, Que.

September 1.—Inspection of the right of way fences on the line of the Quebec Oriental Railway.

September 4.—Inspection of the line of the Canadian Northern Ontario Railway in the township of Camden, county of Addington, mileage 152·13 to 152·72.

September 4.—Inspection of proposed crossing of Bridge street, Yarker, Ont., by the Canadian Northern Ontario Railway.

September 4.—Inspection for opening for traffic of the Weyburn Westerly branch of the Canadian Pacific Railway from Assiniboia to Woodrow, a distance of 32·7 miles.

September 5.—Inspection for opening for traffic of the Grand Trunk Railway, Moosejaw Northwesterly branch, from Moosejaw to Mower, a distance of 47·3 miles.

September 5.—Inspection of the Canadian Northern Railway through the municipality of Nutana *re* fencing.

September 9.—Inspection for opening for traffic of the Suffield branch of the Canadian Pacific Railway.

September 10.—Inspection of crossing of road allowance between sections 35 and 36, west principal meridian, on the Minnedosa subdivision of the Canadian Pacific Railway, at Keyes, Man.

September 11.—Inspection of transfer track between the Canadian Pacific Railway and the Canadian Northern Railway at Rosetown, Sask.

September 12.—Inspection of highway crossing on the branch of the Grand Trunk Pacific Railway in the municipality of Cornwallis, Sask.

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September 13.—Inspection of the Canadian Pacific Railway second track from Kennuay to Griswald, a distance of 16.6 miles.

September 15.—Inspection of siding on the Grand Trunk Railway at Cainsville, Ont.

September 18.—Inspection of proposed location of the Glengarry and Stormont Railway at Cornwall, Ont.

September 16.—Inspection of double track on the Cascade subdivision of the Canadian Pacific Railway, mileage 47.8 to 86.8.

September 17.—Inspection of the Mountain division of the Canadian Pacific Railway, Golden east to Field, B.C., *re* complaint of Mr. McDonald.

September 22.—Inspection of the Lacombe Easterly branch from Coronation to Monitor for opening for traffic.

September 23.—Inspection of the 48-inch sewer through the Broad Street yard of the Canadian Pacific Railway at Ottawa, Ont.

September 24.—Inspection of Canadian Pacific Railway, Estevan to Neptune, for opening for traffic.

September 24.—Inspection of Swift Current Northwesterly branch of the Canadian Pacific Railway, from Westerham, mileage 94 to 34.8, also mileage 33 to 34.8, with a view to eliminating the speed restrictions.

September 24.—Inspection of the Canadian Northern Ontario Railway, Parry Sound to Toronto, Ont.

September 25.—Inspection of location of the Grand Trunk Railway and the Campbellford, Lake Ontario and Western Railway yards at Cobourg, Ont.

September 29.—Inspection of the Canadian Pacific Railway on rue Plinquet, St. Boniface, Man.

September 30.—Inspection of Canadian Northern Ontario Railway *re* diversion of highway between concessions 9 and 10, and between lots 20 and 21, concession 10, township of Fitzroy, Ontario.

October 1.—Inspection for opening for traffic of the Grand Trunk Pacific Railway, Cutknife branch, between Battleford and Rossman, a distance of 33.6 miles.

October 1.—Inspection of proposed crossing of the highway between lots 8 and 9, range 2, township of Bristol, Que., by the Canadian Northern Ontario Railway.

October 1.—Inspection of the Pontiac and Pacific Junction Railway at Fort Coulonge, Que.

October 2.—Inspection of the line of the Grand Trunk Railway at Caledonia, Ont., *re* drainage on farm of Mr. Burgess.

October 4.—Inspection of highway crossing on the Aldersyde branch of the Canadian Pacific Railway at Ensign, Ont.

October 5.—Inspection of right of way fences and crossings on the line of the Atlantic, Quebec and Western Railway at Ste. Adelaide de Pabos, Que.

October 5.—Inspection of ditches, culverts and right of way fences on the Atlantic, Quebec and Western Railway at Grand River, Que.

October 5.—Inspection of the line of the Grand Trunk Railway *re* farm crossing for J. Rogers, lot 7, concession 10, township of Ellice, Gadshill, Ont.

October 5.—Inspection in connection with expropriation of portion of southeast quarter section 8, township 12, range 19, west 2nd meridian, required for adequate water supply at Milestone, Sask.

October 6.—Inspection for opening for traffic of the Wilkie-Anglia branch of the Canadian Pacific Railway from mileage 0 to 25, with a view to removing the speed restrictions.

October 8.—Inspection of Station Avenue subway on the Canadian Northern Quebec Railway at Shawinigan, Que.

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October 10.—Inspection for opening for traffic of the second track of the Canadian Pacific Railway on the Swift Current subdivision, between mileage 70 and Herbert, mileage 81.9.

October 10.—Inspection for opening for traffic of the Kerrobert Northeasterly branch of the Canadian Pacific Railway from mileage 0 to 36.1, with a view to relieving speed limitations.

October 10.—Inspection of culvert on the Canadian Pacific Railway *re* complaint of the municipality of Reford, at Coblenz, Sask.

October 12.—Inspection of the Canadian Pacific Railway from Fredericton to Victoria *re* connection with St. John and Quebec Railway.

October 14.—Inspection of the Canadian Pacific Railway *re* cattle pass for J. B. Wiens, on southeast quarter section, 10-17-10, west 3rd meridian.

October 14.—Inspection of proposed Canadian Northern Ontario Railway industrial spurs, Pembroke, Ont.

October 14.—Inspection of Canadian Northern Ontario Railway *re* cattle pass for W. White on lot 16, concession 12, township of Alice.

October 16.—Inspection of the line of Canadian Pacific Railway (Kingston and Pembroke branch, Opeongo) *re* fencing right of way along J. Ritz's lands.

October 16.—Inspection of Canadian Pacific Railway, second track, Broadview subdivision, from Pilot Butte to Regina, mileage 83.5 to mileage 92.0, distance 8.4 miles.

October 18.—Inspection of Grand Trunk Pacific, Biggar-Calgary line from Biggar to No. 1 siding, distance 7.1 miles.

October 23.—Inspection for opening for traffic of the Canadian Northern Railway from Macrorie to Tichfield, distance 6 miles, and from Elrose Junction to Elrose, distance 50 miles.

October 23.—Inspection of the line of Canadian Pacific Railway on Lambert's farm crossing, Spring Hill, Que.

October 23.—Inspection of bridge #6.9 on Canadian Pacific Railway, Megantic subdivision.

October 24.—Inspection for opening for traffic of the Canadian Northern Railway from Alsask to Hanna, distance 93 miles, and from Hanna to Munson, distance 40 miles.

October 25.—Inspection of the line of the Canadian Pacific Railway, near Savona, B.C., *re* fencing exemption.

October 25.—Inspection of the line of Campbellford, Lake Ontario and Western Railway through farm of Norman Bellyon on lot 6, concession 1, township of Murray.

October 25.—Inspection of location of line of Campbellford, Lake Ontario and Western Railway in town of Trenton, Ont.

October 25.—Inspection of location of Lake Erie and Northern Railway through farm of George Wedlake, Brantford, Ont.

October 25.—Inspection of the line of the Campbellford, Lake Ontario and Western Railway through farm of E. P. Flindall, lot 19, concession 7, township of Murray.

October 27.—Inspection of the line of Canadian Pacific Railway, Cascade subdivision, in connection with proposed change of station at Coquitlam.

October 27.—Inspection in connection with accident on the line of the Canadian Northern Railway 1 mile west of McGee, Sask.

October 28.—Inspection of proposed diversion of highway crossing between concessions 12 and 13, township of Pelham, on the line of the Toronto, Hamilton and Buffalo Railway.

October 28.—Inspection of line of Canadian Northern Railway, Dauphin subdivision, *re* drainage in northwest quarter section 25-24-18, west first meridian, for A. L. Armine.

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October 29.—Inspection on line of Michigan Central Railroad *re* crossing east of railway station, Springfield, Ont.

October 30.—Inspection on the line of Campbellford, Lake Ontario and Western Railway under construction *re* A. R. Farewell's farm crossing, lot 18, township Whitby, Oshawa, Ont.

October 31.—Inspection of half-interlocking plant where Brandon Municipal Railway crosses Canadian Northern Railway at 13th street, Brandon.

November 3.—Inspection of Canadian Pacific Railway second track, Moosejaw, from Ernfold, mileage 66.5 to 70, distance 3.5 miles.

November 4.—Inspection for opening for traffic of Stirling-Weyburn branch of Canadian Pacific Railway, mile 0 to mile 49.2.

November 5.—Inspection of Lachine canal bridge on the line of the Canadian Pacific Railway.

November 5.—Inspection of interlocking plant on line of the Canadian Pacific Railway at crossing of Quebec, Montreal and Southern Railway, Iberville, Que.

November 5.—Inspection of the line of Campbellford, Lake Ontario and Western Railway through farm of Edward Cox, lot 28, concession 1, township of Clarke.

November 5.—Inspection of the line of Quebec, Montreal and Southern Railway, Southern division, between St. Hyacinthe and Iberville Junction, Que.

November 6.—Inspection of the line of the Canadian Pacific Railway, *re* road crossing diversion, mile 132.6 and 136.3, Lacombe easterly.

November 6.—Inspection of proposed crossing of highway between lots 6 and 7, concession B.F., township of Clarke, by the Campbellford, Lake Ontario and Western Railway.

November 6.—Inspection of proposed crossing of highway between lots 20 and 21, township of Clarke, by the Campbellford, Lake Ontario and Western Railway.

November 6.—Inspection of proposed crossing of highway between lots 10 and 11, concession B.F., by the Campbellford, Lake Ontario and Western Railway.

November 6.—Inspection of the Campbellford, Lake Ontario and Western Railway location at Newcastle, Ont.

November 6.—Inspection on the line of the Canadian Pacific Railway *re* spur trackage to lots 1 and 12, block 24, Prairie Heights, to serve lumber and coal yards of S. A. Hamilton C., Ltd., Moosejaw, Sask.

November 7.—Inspection *re* city of Regina crossing, with its municipal railway, the Canadian Northern Railway at rail level at 4th street, between McIntyre and Lorne streets, where it is necessary to cross two commercial spurs of the railway company and main line of the company running north and west.

November 7.—Inspection *re* recommendation for removal of speed limit, on the line of the Canadian Pacific Railway, Coronation to Consort.

November 7.—Inspection for opening for traffic, Canadian Pacific Railway line from Consort to Monitor.

November 11.—Inspection on the line of the Canadian Pacific, *re* condition of planking in road crossings between Regina and Moosejaw.

November 11.—Inspection *re* station and telegraph service on the line of the Canadian Pacific Railway in town of Forward, Sask.

November 13.—Inspection of River road and bridge 45.6 on line of the Canadian Pacific Railway, Orford branch.

November 14.—Inspection of bridges and McCormick's creek near Bryson's, Que., Massena branch of the Grand Trunk Railway.

November 14.—Inspection of interlocking plant at Frobisher, where the Grand Trunk Pacific crosses the Canadian Pacific Railway.

November 14.—Inspection *re* Canadian Northern Railway location over coal mines at Bienfait, Sask.

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November 18.—Inspection of railway bridge over Beaver river, Beaverton, Ont., on the line of the Canadian Northern Ontario.

November 18.—Inspection *re* construction of line of railway across tracks of Winnipeg Electric Street Railway on Pembina street.

November 18.—Inspection on the line of the Canadian Northern Railway *re* passenger and freight service at Youngstown, Oyen, Chiuook, and Hanna, Alta.

November 19.—Inspection on the line of the Canadian Northern Railway *re* proper crossings over tracks immediately west of D'Arcy, Sask.

November 19.—Inspection for opening for traffic Oshawa branch of the Canadian Northern Ontario Railway.

November 19.—Inspection of the Algoma Eastern Railway from Crean Hill, mileage 28.5, to West river, mileage 60.76, for opening for traffic.

November 20.—Inspection of interlocking plant where the Grand Trunk Pacific crosses the double track of the Canadian Pacific railway, 1 mile west of Regina.

November 20.—Inspection of the line of Canadian Pacific railway, London subdivision, *re* complaint of the Milton Pressed Brick Company.

November 20.—Inspection of line of Canadian Northern Railway Tunnel under Mount Royal, Montreal, Que.

November 20.—Inspection of line of Canadian Pacific railway *re* York Street bridge, Toronto, Ont.

November 20.—Inspection of farm crossing for Wm. Pinkney, Cooksville, Ont., on the line of the Canadian Pacific railway.

November 20.—Inspection of main line of Algoma Central and Hudson Bay railway, from mileage 95 to Hawk Lake junction at mileage 164.5, for opening for traffic.

November 21.—Inspection of the line of the Campbellford, Lake Ontario and Western railway under construction across farm of R. Sterling, Brown's Corners, Ont.

November 21.—Inspection of Canadian Pacific railway second track between White River and Tarpon for opening for traffic.

November 21.—Inspection of Canadian Pacific second track from Crete, mileage 75.7, to Sudbury, mileage 78.9, for opening for traffic.

November 21.—Inspection of Canadian Pacific railway second track from Devon, mileage 132.6, Chapleau subdivision, to Esher, mileage 6.9, White River subdivision, for opening for traffic.

November 21.—Inspection of Canadian Pacific railway second track from Depew, mileage 126.5, to White River at mileage 131.8, White River subdivision, for opening for traffic.

November 22.—Inspection of Canadian Pacific railway second track from Cartier to Geneva for opening for traffic.

November 22.—Inspection of proposed highway crossing of the Canadian Pacific railway, at grade, on lot 6, concession 3, township of Neelon, Ontario.

November 22.—Inspection of Canadian Pacific railway second track from Heron Bay, mileage 55.5, to Peninsula, mileage 61.2, Schreiber subdivision, for opening for traffic.

November 22.—Inspection of Canadian Pacific railway second track from Fire Hill, mileage 55, to Ruby, mileage 59.4, Nipigon subdivision, for opening for traffic.

November 22.—Inspection of Canadian Pacific railway second track from Navilus, mileage 120.5, to Hedge, mileage 124.6 Nipigon subdivision, for opening for traffic.

November 22.—Inspection *re* removal from and off Selkirk avenue, Winnipeg, Man., of a certain Canadian Pacific railway spur track which connects with Canadian Pacific Railway Selkirk line immediately north of Selkirk avenue, and runs southerly across Selkirk avenue into the Exhibition grounds; and connection of said spur with Selkirk line of Canadian Pacific railway south of Selkirk avenue.

November 23.—Inspection of Canadian Pacific railway second track, Broadview subdivision, mileage 121 to mileage 131.4, distance 10.4 miles.

November 25.—Inspection of the line of the Canadian Northern Quebec railway, Montford branch.

November 26.—Inspection of the line of the Central railway between St. Lambert and Waterloo, Que., and also St. Cesaire branch *re* board's order.

November 27.—Inspection of interlocking plant on the line of the Grand Trunk Railway at St. Lambert, Que.

November 28.—Inspection of the line of the Canadian Pacific railway *re* dangerous crossings at Port Moody.

November 29.—Inspection of the line of the Canadian Pacific railway *re* dangerous crossings, Port Hammond.

November 29.—Inspection *re* dangerous crossings at Port Haney, on the line of the Canadian Pacific railway.

November 29.—Inspection for opening for traffic Canadian Pacific Railway Bois-servain to Lauder branch, mileage 0 to mileage 36.4 miles.

November 29.—Inspection *re* spur crossing Pembina street from Canadian Northern Railway siding on each side of the railway workshops to Winnipeg Sandstone and Brick Co., Ltd., on opposite side of Pembina street.

November 29.—Inspection *re* condition of the Grand Trunk Pacific Railway on Empire avenue, Fort William, Ont.

December 2.—Inspection of the Canadian Pacific Railway, Avonlea to Gravelburg line, distance 79 miles.

December 3.—Inspection for opening for traffic of part of Canadian Northern Railway Radville-Moosejaw line, mileage 83 to 86.

December 3.—Inspection of the Canadian Northern Railway line from Radville to mileage 83 with a view of relieving speed limit.

December 3.—Inspection of the interlocking plant where the Grand Trunk crosses the Maryfield branch of the Canadian Northern Railway in northwest quarter-section 9 township 5 range 6 west second meridian, near Lampman, Sask.

December 3.—Inspection *re* condition of crossings on Maryfield branch of Canadian Northern Railway, near Walpole.

December 3.—Inspection *re* fencing on line of the Canadian Pacific Railway (Kingston and Pembroke branch), Folger, Ont.

December 3.—Inspection *re* railway bridge over Clyde river, Flower, Ont., on line of Kingston and Pembroke branch of the Canadian Pacific Railway.

December 4.—Inspection of proposed diversion on the line of the Canadian Pacific Railway at Bathurst, Ont.

December 4.—Inspection of the Campbellford, Lake Ontario and Western Railway through lot 19, belonging to school board of section 2, township of Sydney.

December 5.—Inspection of Grand Trunk Railway through lots 10 and 11, concession 2, township of South Dumfries.

December 5.—Inspection of proposed crossing of the Kingston road and the road between the town of Bowmanville and township of Darlington at the west boundary of the town, by the Campbellford, Lake Ontario and Western Railway.

December 5.—Inspection *re* closing up road to depot, Okanagan Landing, on line of the Canadian Pacific Railway.

December 7.—Inspection for opening for traffic of Suffield-Blackie branch of the Canadian Pacific Railway, mile 26.3 to mile 57.2.

December 8.—Inspection of line of Canadian Pacific Railway, Virden-McCanley branch, mileage 13.5 to 36.0, distance 22.5 miles.

December 9.—Inspection for opening for traffic double track of the Canadian Pacific Railway, mileage 76.8 to 84.2, distance 7.4 miles.

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December 9.—Inspection for opening for traffic Canadian Pacific Railway second track from Notman, mileage 95.1 to Waldeck, mileage 99.4, distance 4.3 miles.

December 9.—Inspection of track between Allensburg and Old siding, Port Colborne Division of the Grand Trunk Railway.

December 10.—Inspection of the line of the Campbellford, Lake Ontario and Western Railway through farm of Mrs. Mary Hawley, lot 31, concession 8, township of Camden.

December 10.—Inspection of the Wabash Railroad track, Fort Erie to St. Thomas.

December 10.—Inspection of Pere Marquette Railroad track two miles north of Port Stanley.

December 11.—Inspection of the line of the Canadian Pacific Railway *re* drainage on Mr. Plunkett's farm, lot 4, concession 7, township of Vaughan.

December 11.—Inspection of location of the line of the Campbellford, Lake Ontario and Western Railway through farm of M. and W. Lawlor, east half of lot 45, concession 9, township of Camden.

December 11.—Inspection of location of the line of the Campbellford, Lake Ontario and Western Railway across lot 32, concession 8, township of Camden.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western Railway across Mrs. Brown's farm, lot 44, concession 9, township of Camden.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western Railway on Michael Kennedy's farm, on east half of lot 49, concession 9, township of Camden.

December 11.—Inspection of location of the line of the Campbellford, Lake Ontario and Western Railway across lot 50, concession 9, township of Camden.

December 11.—Inspection of line of Lake Erie and Northern Railway near Brantford, Ont.

December 11.—Inspection of the line of the Campbellford, Lake Ontario and Western Railway across the farm of T. Kenney on lot 45, concession 9, township of Camden.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western Railway through John Kelly's farm, lot 50, concession 9, township of Camden.

December 11.—Inspection for opening for traffic of the Canadian Northern Railway, Blain Lake to Denholm, distance 52 miles.

December 11.—Inspection for opening for traffic Canadian Pacific third track between Parkdale and West Toronto, Toronto Terminals.

December 15.—Inspection for opening for traffic Algoma Eastern Railway, between Goat Island and Little Current, Manitoulin island.

December 15.—Inspection of bridge and draw span across Little Current ship channel, on the line of the Algoma Eastern Railway, Manitoulin island.

December 16.—Inspection *re* crossing through yard between Whyte avenue and 19th avenue south, on the line of the Canadian Pacific Railway.

December 16.—Inspection *re* spur for K. M. Zentill, of Dryden, Ont., on the line of the Canadian Pacific Railway.

December 16.—Inspection of Canadian Pacific Railway double track and line diversion, Cartier subdivision.

December 16.—Inspection *re* Canadian Northern Railway crossing Canadian Pacific Railway near Medicine Hat.

December 16.—Inspection of the interlocking plant on the line of the Edmonton Interurban Railway where it crosses the Edmonton Dunvegan and British Columbia Railway in northwest quarter-section 25, township 53, range 25, west fourth meridian.

December 16.—Inspection of the line of the Kettle Valley Railway *re* street crossings near Penticton, section A.

December 16.—Inspection of the line of the Canadian Northern Ontario Railway from Ottawa to Sydenham, Ont.

December 16.—Inspection of road crossings between mile 50 and 57.4 near Penticton, on the line of the Kettle Valley Railway.

December 16.—Inspection of street crossings in town of Penticton, on the line of the Kettle Valley Railway.

December 16.—Inspection of road crossings between mile 50 and 57.5, near Penticton, on the line of the Kettle Valley Railway.

December 18.—Inspection of the line of the Canadian Northern Railway *re* road crossing between sections 3 and 4, 29-7, west 4th meridian.

December 19.—Inspection of the line of the Canadian Northern Railway Saskatoon-Calgary branch *re* drainage under track for Phillip Phibbs.

December 19.—Inspection of the Canadian Pacific Railway *re* Soo branch line diversion and grade revisions.

December 19.—Inspection of new subway on the line of the Grand Trunk Railway at Cardinal, Ont.

December 19.—Inspection *re* fencing on the line of the Canadian Northern Railway near Big Valley.

December 19.—Inspection of the line of the Canadian Northern Railway *re* condition of road-bed near Camrose.

December 21.—Inspection of interlocking plant where the Canadian Pacific Railway Molson cut-off crosses the Canadian Northern Railway Birds Hill branch.

December 22.—Inspection *re* city of Brandon crossing track of Canadian Northern Railway on First street, with tracks of Brandon Municipal Railway.

December 22.—Inspection of approaches to Victoria Jubilee bridge at St. Lambert and Point St. Charles, Montreal, on the line of the Grand Trunk Railway.

December 23.—Inspection for opening for traffic of the Canadian Northern Railway from mileage 52 of its Oakland branch.

December 29.—Inspection of interlocking plant where Canadian Pacific Railway Emerson branch crosses the Canadian Northern main line in St. Boniface, Man.

December 29.—Inspection of interlocking plant where the Grand Trunk Pacific Stock yards spur crosses the Canadian Northern Railway in St. Boniface, Man.

December 29.—Inspection for opening for traffic of Canadian Pacific Railway, Medicine Hat subdivision, mile 0 to mile 5.

December 30.—Inspection of highway crossing on the line of the Canadian Pacific Railway at Glen Norman.

December 30.—Inspection *re* Heubach's spur (Canada Cement Company). File No. 15772.

January 3.—Inspection for opening for traffic of Canadian Northern Railway revised location across Rainy Lake, Ont., mileage 224.3 to 226.4, distance of 2.1 miles.

January 5.—Inspection of interlocking plant where Grand Trunk Pacific crosses the Canadian Northern Railway main line on Empire avenue, Fort William.

January 5.—Inspection *re* level crossing, subway, or overhead bridge at Heath street, Fort William, on the lines of the Canadian Pacific, Canadian Northern and Grand Trunk Pacific Railways.

January 6.—Inspection of Mountain, Aqueduct and Grey Street subways, Montreal, on the line of the Canadian Pacific Railway.

January 6.—Inspection of Decarie Avenue subway, Westmount, on the line of the Canadian Pacific Railway.

January 7.—Inspection of the line of the Grand Trunk Railway *re* crossing asked for by municipality of Stanfold, Que.

January 7.—Inspection of the Canadian Pacific Railway second track, Moosejaw subdivision, from mileage 67.7 to 76.8, distance of 9.1 miles.

January 7.—Inspection of the line of the Canadian Northern Ontario Railway crossing highway between concessions 12 and 13, township of Chisholm.

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January 8.—Inspection of the line of the Grand Trunk Railway *re* condition of track, Barrington, Que.

January 8.—Inspection of the line of the Canadian Pacific Railway along property of Mr. Du Cailloud, townships of McKim and Neelon, near Sudbury, Ont.

January 8.—Inspection of part of the line of the Canadian Pacific Railway, Weyburn Lethbridge line from Woodrow, mileage 145.7, to Shaunavon, mileage 230.8, distance 85.1 miles.

January 8.—Inspection for opening for traffic of Canadian Pacific Railway new second track, Swift Current subdivision from Waldeck, mileage 99.4 to Eaman, mileage 109.4, distance 10 miles.

January 8.—Inspection of the Weyburn-Stirling branch from mileage 0 to 26, with a view to relieving speed limit.

January 8.—Inspection of new second track of the Canadian Pacific Railway, Medicine Hat subdivision, from Swift Current subdivision to Java, distance of 6 miles.

January 9.—Inspection *re* uncompleted condition of road allowance at dam in sections 8 and 17-8-17, west 2nd meridian, rural municipality of Brokenshell, No. 68.

January 10.—Inspection of second track of Canadian Pacific Railway between Hedge, mileage 124.6, and Port Arthur, mileage 70.9, and Woman river, mileage 86, Chapleau subdivision.

January 14.—Inspection of the line of the Grand Trunk Railway *re* King Street crossing, Berlin, Ont.

January 14.—Inspection of the line of the Canadian Northern Railway *re* properly grading road across their tracks at 3rd street, Bladworth, Sask.

January 15.—Inspection of double track branch line of the Grand Trunk Pacific from a point near Vickers street, along William street, to waterfront, crossing tracks of Canadian Northern Railway through West Algoma Agricultural Association Grounds across tracks of Port Arthur and Fort William Electric Railway, and across four tracks of the Canadian Pacific Railway.

January 15.—Inspection *re* removal, by the Canadian Pacific Railway, of spur track at Matlock station on the Winnipeg Beach branch of the Canadian Pacific Railway.

January 15.—Inspection of swing bridge across Sydenham river, Wallaceburg, Ont., on the line of the Canadian Pacific Railway.

January 16.—Inspection of the line of the Grand Trunk Pacific Railway, mile 1134.5 to mile 1279.

January 16.—Inspection of the line of the Canadian Pacific Railway *re* Toronto-Sydenham road crossing, Barkeley, Ont.

January 20.—Inspection of highway crossing between Lyn and Brockville on the Grand Trunk Railway, on lot 21, concession 1, township of Elizabethtown, mileage 127.77 from Montreal.

January 20.—Inspection of the line of the Canadian Pacific Railway *re* Keele Street subway, west Toronto.

January 20.—Inspection of bridges on the line of the Canadian Pacific Railway, Muskoka subdivision.

January 21.—Inspection of interlocking plant where Canadian Pacific Railway and Algoma Central and Hudson Bay Railway cross each other at Franz, Ont.

January 21.—Inspection of proposed crossing of Central street, Simcoe street, Albert street, and Prospect street by the Campbellford, Lake Ontario and Western Railway at Oshawa, Ont.

January 21.—Inspection of the line of the Canadian Pacific Railway, Swift Current S.E. branch from mileage 0 to 27.5, with a view to relieving speed limit.

January 22.—Inspection *re* crossing at east end of Guernsey yards, section 34-33-3, rural municipality of Usburne, No. 310.

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January 23.—Inspection of the Canadian Pacific Swift Current branch (S.E.) from mileage 27.5 to mileage 43.6, with a view to relieving speed limit.

January 23.—Inspection of the line of the Canadian Northern Railway, Drumheller to Calgary, mile 314.7 to mile 398.8.

January 23.—Inspection of wreck on the line of the Canadian Pacific Railway at Westmeath, Ont.

January 28.—Inspection *re* spur track leading from the Canadian Pacific Railway "D" yard into premises of B. Schragge.

January 28.—Inspection of site of Canada Explosive Company Magazine, on line of the Grand Trunk Railway, Blue Bonnets, *re* complaint of Rev. Desrosiers, of St. Pierre.

January 29.—Inspection of the line of the St. Lawrence and Adirondack Railway *re* crossing under railway bridge, Chateauguay, Que.

January 31. Inspection of bridge No. 25.7, Laggan subdivision of the Canadian Pacific Railway.

February 3.—Inspection of the line of the Kettle Valley Railway west of Penticton, 18 miles and west of Carmi to mile 76.

February 5.—Inspection *re* Mark Smith's farm crossing about mile 28, on the line of the Kettle Valley Railway.

February 6.—Inspection of farm crossing of J. J. Mason, just west of Oakville, on the line of the Grand Trunk Railway.

February 7.—Inspection of the line of the Canadian Northern Railway through Port Arthur.

February 7.—Inspection of bridge No. 92.3, Boundary subdivision of the Canadian Pacific Railway.

February 9.—Inspection of bridge 176.9 on Calgary subdivision of the Canadian Pacific Railway.

January 23.—Inspection of the Canadian Pacific Swift Current branch (S.E.) Canadian Pacific Railway.

February 11.—Inspection of bridge No. 49.4, Red Deer subdivision of the Canadian Pacific Railway.

February 11.—Inspection of bridge No. 88, Red Deer subdivision of the Canadian Pacific Railway.

February 12.—Inspection of bridge over Jasper Avenue subway, Edmonton subdivision of the Canadian Pacific Railway.

February 12.—Inspection of high-level bridge over Saskatchewan river, Edmonton subdivision of the Canadian Pacific Railway.

February 12.—Inspection of bridge at Saskatchewan Avenue subway, Edmonton subdivision of the Canadian Pacific Railway.

February 12.—Inspection of the line of Asquith to Conquest branch of the Canadian Pacific Railway from a point on Pheasant Hills branch near Asquith, from mileage 41.62 to a point near Conquest on Moosejaw northwest branch; and of highways, mileage 0 to 41.62.

February 12.—Inspection *re* condition of trestle at Fort Saskatchewan crossing on line of the Canadian Northern Railway.

February 13.—Inspection *re* fencing of main line of the Grand Trunk Pacific at Kinsella, Alta.

February 16.—Inspection of bridges on the line of the Canadian Pacific Railway, Havelock and Toronto subdivisions, Ontario division.

February 16.—Inspection of the line of the Grand Trunk Pacific Railway *re* crossings in townships 34.1 and 2 west third meridian, rural municipality of Blucher, No. 343, Bradwell, Sask.

February 17.—Inspection of Northwest Boundary Road crossing, Streetsville Junction, township of Toronto, on line of the Canadian Pacific Railway.

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February 13.—Inspection of Dundas street crossing, Cooksville, Ont., township of Toronto, on line of the Canadian Pacific Railway.

February 17.—Inspection of Hurontario Road crossing, Cooksville, Ont., township of Toronto, on line of the Canadian Pacific railway.

February 17.—Inspection of subway at Shawinigan Falls, Que., on line of the Canadian Northern Quebec Railway.

February 18.—Inspection *re* removal from and off Selkirk avenue of a certain spur track which connects the Canadian Pacific Railway Selkirk line.

February 18.—Inspection of bridges on the line of the Canadian Pacific Railway, Hamilton and St. Thomas and London subdivision, Ontario division.

February 18.—Inspection of proposed location of 6 inch water main on Sixth street in town of New Toronto, for supplying the Grand Trunk Yards at Mimico, Ont.

February 19.—Inspection of bridges on the line of the Grand Trunk Railway, eastern division, at Napanee river.

February 19.—Inspection of bridge on the line of the Canadian Pacific Railway, Eastern division, Brockville subdivision.

February 19.—Inspection of crossing of highway between lots 21 and 22, concession 1, township of Whitby, on the line of the Campbellford, Lake Ontario and Western Railway.

February 19.—Inspection of proposed subway at mile 32.1, Lacombe bridge, on the line of the Canadian Pacific Railway.

February 21.—Inspection of bridge 0.3 on Calgary subdivision of the Canadian Pacific Railway.

February 21.—Inspection of bridge No. 60.6 on Calgary subdivision of the Canadian Pacific Railway.

February 21.—Inspection of bridge 63.3 on Calgary subdivision of the Canadian Pacific Railway.

February 21.—Inspection of bridge 90.2, on Calgary subdivision of the Canadian Pacific Railway.

February 23.—Inspection of track on the line of the Grand Trunk Railway, *re* derailment, Casselman, Ont.

February 25.—Inspection of accident on the line of the Canadian Pacific Railway at Mountain, Ont.

February 26.—Inspection of grade separation at crossing of the Campbellford, Lake Ontario and Western Railway with the Thurlow Railway, near Belleville.

February 27.—Inspection of highway crossing at boundary between townships of Portland and Camden on the line of the Canadian Northern Ontario Railway.

February 27.—Inspection of roadway made by Canadian Northern Ontario Railway at crossing between concessions 4 and 5, township of Portland.

March 3.—Inspection of proposed crossing of road between lots 2 and 3, concession 4, township of Scarborough by the line of the Campbellford, Lake Ontario and Western Railway.

March 4.—Inspection of John Bowerman's farm crossing, lot 13, concession 1, township of South Norwich, on the line of the Michigan Central Railway, near Cornell, Ont.

March 5.—Inspection *re* interswitching between the Grand Trunk Railway and Canadian Pacific Railway at Owen Sound, Ont.

March 5.—Inspection *re* streets constructed across tracks of the Emerson branch of the Canadian Pacific Railway in the city of St. Boniface.

March 5, 6, 7.—Inspection of bridges on the Eastern divisions of the Canadian Pacific and Grand Trunk Railways.

March 6.—Inspection of Davis siding on the line of the Canadian Pacific Railway, Montreal.

March 6.—Inspection for opening for traffic Canadian Pacific Railway bridge 0.41, Fort William Terminals.

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March 6.—Inspection on the line of the Grand Trunk Pacific Railway *re* opening Stanley and Wallbridge avenues, Fort William, across Grand Trunk Pacific right of way.

March 9.—Inspection of the Campbellford, Lake Ontario and Western Railway business spur at Trenton, Ont.

March 10.—Inspection of bridges on the Middle division of the Grand Trunk Railway.

March 11.—Inspection of bridges on Ontario division of the Canadian Pacific Railway.

March 11.—Inspection of highway crossing, Prairie siding on the line of the Grand Trunk Railway.

March 13.—Inspection of bridges on the Northern division of the Grand Trunk Railway.

March 13.—Inspection of highway crossing between lots 49, concession 1, township of Camden, and lot 16, concession 3, township of Portland, on the line of the Canadian Ontario Railway.

March 14.—Inspection of crossings over the line of the Canadian Northern Railway, Rossburn subdivision, near Elphinstone, and temporary private crossing section 8-18-21, W.P.M.

March 16.—Inspection on the line of the Canadian Northern Railway *re* spur for J. H. Carlton to serve lots 24-25 and 29, block 12, D.G.S. St. John, plan 12, Winnipeg, and crossing May street and Heaton avenue.

March 18.—Inspection of proposed subway under Canadian Pacific Railway Pembina branch on Logan avenue.

March 18.—Inspection of J. Hutt's farm crossing at Winchester, on the line of the Canadian Pacific Railway.

March 18.—Inspection of bridges on Eastern division of the line of the Canadian Pacific Railway.

March 19.—Inspection of the line of the Grand Trunk Pacific *re* condition of road along Empire avenue, Fort William.

March 25.—Inspection of bridge 131-3, Brandon subdivision of the Canadian Pacific Railway.

March 26.—Inspection of A. Thout's farm crossing, and land adjoining public road, Iberville, Que., on the line of the Canadian Pacific Railway.

March 26.—Inspection of cattle pass for Mr. Ketcheson, lot 28, concession 1, township of Sydney on the line of the Campbellford, Lake Ontario and Western Railway.

March 27.—Inspection of bridge on Eastern division of the Canadian Pacific Railway.

March 28.—Inspection of bridge at mileage 63-3, Lac Du Bonnet subdivision of the Canadian Pacific Railway.

March 28.—Inspection of Red River bridge, Winnipeg terminals.

APPENDIX F.

REPORT OF OPERATING DEPARTMENT FOR THE YEAR ENDING
MARCH 31, 1914.

During the year ending March 31, 1914, accidents to the number of 2,040 were reported by the various railway companies under the jurisdiction of the board, covering 594 persons killed and 1,899 persons injured, as set forth in statement No. 1.

The total number of persons killed and injured, and the nature of the accidents on each railway during the year, is set forth in statement No. 2.

Statement No. 3 shows, separately, the number of passengers, employees and others killed and injured, and the nature of the accidents.

The increases and decreases in the various accidents during the year, compared with similar accidents in the preceding year, are set forth in statement No. 4, and which shows a decrease of 49 in the number of killed and 332 in the number of injured, indicating that the "Safety First" system has, on the whole, obtained some success.

The increases and decreases in accidents, separately, for each railway, compared with like accidents in the preceding year, are shown in statement No. 5.

The increases and decreases in the total accidents to passengers, employees and others, as compared with like accidents in the preceding year, are set forth in statement No. 6.

Statement No. 7 enumerates the collisions attended by personal injury investigated during the year.

Statement No. 8 enumerates the derailments attended by personal injury investigated during the year.

Statement No. 9 enumerates the highway crossing accidents attended by personal injury investigated during the year.

Statement No. 10 enumerates the various other accidents not covered by statements 7, 8, and 9, attended by personal injury, investigated during the year.

Statement No. 11 shows that during the year, accidents to the number of 714, covering 238 persons killed and 938 persons injured, were investigated, as against 621 accidents investigated during the preceding year, covering 277 persons killed and 865 persons injured.

The number of highway crossing accidents, separately for each province and railway, is set forth in statement No. 12.

The number of highway crossings inspected and reported upon at which accidents happened attended by personal injury, is set forth in statement No. 13.

Statement No. 14 enumerates the highway crossings complained of as being dangerous, requiring protection, which were inspected and reported upon.

The highway crossings at which protection was ordered, and the nature of the protection, are enumerated in statement No. 15.

Statement No. 16 shows the various station locations examined and approved during the year.

Statement No. 17 shows the number of cars inspected and defects noted during the year.

Statement No. 18 sets out in detail the various defects covered by the headings appearing in statement No. 17.

Statement No. 19 is a comparative statement of cars inspected and defects noted as per statement No. 17 between the years 1913 and 1914.

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The reader will observe from a perusal of statement No. 4 that there is an increase of 20 in the number of persons killed by derailments, and a decrease in the number of persons injured of 60. Out of a total of 39 persons killed and 257 persons injured in derailments, 21 passengers were killed and 176 passengers injured, representing 53.9 per cent and 68.4 per cent respectively.

As regards the number of persons killed and injured in collisions, the figures under "head-on" collision show a decrease of 19 killed and 79 injured. There were no passengers killed as the result of head-on collisions, only 2 injured. In the case of "rear-end" collisions, it will be observed that there is an increase of 2 killed and 67 injured. There were no passengers killed as the result of rear-end collisions, only 9 injured.

Under the heading "trespassers" the figures show an increase in the number of injured of 48, while the number of killed decreased by 13.

The figures under the heading "highway crossing protected" show an increase of 7 killed and 17 injured, and under the heading "highway crossing unprotected" the figures show an increase of 15 killed and 36 injured. A careful perusal of this statement will show the necessity for a further extension of some form of protection, or a reduction in the number of level crossings.

Under the headings "adjusting couplers, etc.," "unclassified," and "working on track or bridge," the reader will observe a decrease as regards both killed and injured, but there is still room for much improvement.

It will be observed under the heading "locomotive dropped crown sheet" that there is a decrease in the injured of 6, and an increase in the killed of 1.

The inspection of locomotive boilers and their appurtenances has been carried on systematically during the year, and from the small number of accidents that have been reported in this connection (particulars contained in statement No. 10) it is quite apparent that the railway companies are complying with order No. 14115, as per the monthly and annual reports for each locomotive filed with the board.

The inspection of fire protective appliances and safety appliances on locomotives under general orders Nos. 102 and 107, shows that these very important features are being carefully watched.

A systematic inspection of station buildings and grounds has been carried on throughout the year, in addition to the inspection of passenger equipment as regards sanitary conditions, etc.

In addition to the above mentioned matters, the inspectors have inquired into complaints of a general character referred to the department by the board, to the number of, approximately, 800, and have also reported upon a large number of matters, observed while doing other work, taken up in an informal way and settled directly with the railway companies by the department.

The activity displayed by some of our railways in the "Safety First" movement is commendable, and its extension to a greater number of the lines is recommended. The attention of the railway employees should also be called to the great amount of suffering and distress that can be saved themselves by its application, in their various lines of work.

SESSIONAL PAPER No. 20c

STATEMENT No. 1.—Showing the Number of Persons Killed and Injured on various Railways in Canada under the jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Passengers.		Employees.		Other Persons.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk	7	80	65	242	99	126	171	448
Canadian Pacific	18	147	131	244	166	91	315	482
Canadian Northern		15	13	260	11	31	24	306
Grand Trunk Pacific		11	12	132	5	14	17	157
Toronto, Hamilton and Buffalo		5	3	123	4	7	7	135
Canadian Northern, Quebec		3	4	48	6	4	10	55
Pere Marquette		7	3	41	1	3	4	54
Algoma Central and Hudson Bay					1		1	
London and Lake Erie			1				1	
Winnipeg Joint Terminals		2		17		4		23
Atlantic, Quebec and Western					1		1	
Wabash		9		2	1	1	1	12
Quebec, Montreal and Southern				9	2	2	2	11
Windsor, Essex and Lake Shore					1	1	1	1
New Brunswick and P.E.I.				1				1
British Columbia					1		1	
Michigan Central		9	7	36	4	8	1	53
Moncton and Buctouche			4	2			4	2
Central Ontario			1	1	1		2	1
Central Vermont	6	12	1	4	1		8	16
Dominion Atlantic						3		3
Tenniscouata					1		1	
St. Lawrence and Adirondack		4		9		1		14
Morrissey, Fernie and Michel		4	1	8		1	1	13
Vancouver and Victoria		1		16	2	2	2	19
Boston and Maine				4				4
The Hereford						1		1
Ottawa and New York				8		1		9
Niagara, St. Catharines and Toronto					2	1	2	1
Canadian Northern, Ontario		29		33	2	4	2	66
Montreal and Southern Counties					1		1	
Bay of Quinté		1	1	6			1	7
Maine Central						3		3
Esquimalt and Nanaiuo			2	1	1	1	3	2
	31	339	249	1,250	314	310	554	1,899

STATEMENT No. 2.—Statement showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Derailment.		Collision head-on.		Collision rear-end.		Collision in yard.		Collision with cars standing foul of main line.		Collision with cars account open switch.		Collision at level crossing.		Public highway crossing protected by gates.		Public highway crossing protected by bell.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	6	45	2	6	5	8	16	24	.....	7	4	3	.....	28	9	10	1	.....
Canadian Pacific.....	17	129	4	15	9	13	2	3	.....	.....	1	.....	.....	.....	1	2	.....	4
Canadian Northern.....	3	7	.....	6	.....	.....	.....	3	.....	.....	.....	12	.....	7	.....	.....	.....	.....
Grand Trunk Pacific.....	1	19	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....
Toronto, Hamilton and Buffalo.....	2	.....	.....	.....	.....	.....	.....	5	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
Canadian Northern Quebec.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pere Marquette.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Algoma Central and Hudson Bay.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
London and Lake Erie.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Winnipeg Joint Terminal.....	.....	1	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	1	.....	.....	.....
Atlantic, Quebec and Western.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wabash.....	.....	.....	.....	.....	.....	.....	.....	9	.....	.....	.....	1	.....	.....	.....	.....	.....	.....
Quebec, Montreal and Southern.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Brunswick and Lake Shore.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
British Columbia.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Michigan Central.....	1	10	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Moncton and Buctouche.....	4	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Central Ontario.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Central Vermont.....	7	14	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Dominion Atlantic.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Teniscouata.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
St. Lawrence and Adirondack.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Morrissey, Farnie and Michel.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vancouver, Victoria.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Boston and Maine.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
The Hereford.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ottawa and New York.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Niagara, St. Catharines and Toronto.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Canadian Northern Ontario.....	.....	33	.....	.....	.....	1	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Montreal and Southern Counties.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bay of Quinte.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maine Central.....
Esquimalt and Nanaimo.....	1
	30	257	7	29	14	23	18	55	8	5	17	1	39	10	13	1	6

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STATEMENT No. 2.—Showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Public highway crossing protected by watchman.		Public highway crossing unprotected.		Private crossing.		Tree-passing.		Working on under engine.		Unclassified.		Adjusting couplers coupling and uncoupling.		Working on track or bridges.		Falling off hand car motor or velocipede.		Hand car motor, velocipede struck by train.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	4	9	11	36	1	1	63	64	2	29	42	3	18	2	12	1	2	2	1	2
Canadian Pacific.....																				
Canadian Northern.....	2	1		24	1	1	140	57		12	18	41	6	11	15	13	1	6	9	7
Grand Trunk Pacific.....									1	16	3	84	1	9	28		7	1		
Toronto, Hamilton & Buffalo.....									3	2	10	1	9	1	16					
Canadian Northern Quebec.....										6	1	40			1	22	6	5		1
Pere Marquette.....										2	1	14	1	1	6		1			
St. Lawrence Central & Hudson Bay.....										7	2	18	1		1					
London & Lake Erie.....																				
Winnipeg Joint Terminal.....																				
Atlantic, Quebec & Western.....																				
Wabash.....																				
Quebec, Montreal & Southern.....																				
Windsor, Essex & Lake Shore.....																				
New Brunswick & P. E. Island.....																				
British Columbia.....																				
Michigan Central.....																				
Moncton & Buctouche.....																				
Central Ontario.....																				
Central Vermont.....																				
Dominion Atlantic.....																				
Tennessean.....																				
St. Lawrence & Adirondack.....																				
Morrissey, Fernie & Michel.....																				
Vancouver & Victoria.....																				
Boston & Maine.....																				
The Herford.....																				
Ottawa & New York.....																				
Niagara, St. Catharines & Toronto.....																				
Canadian Northern Ontario.....																				
Montreal & Southern Counties.....																				
Bay of Quinte.....																				
Maine Central.....																				
Esquimaux & N. Annapolis.....																				
	6	12	44	84	2	3	238	164	6	92	29	253	11	60	18	117	2	30	10	13

STATEMENT No. 2—Showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Crawling under cars.		Crawling through cars over couplers.		Caught while passing through cars between couplers.		Cars standing foul.		Struck by switch stand, water spout, mail crane, &c.		Crushed between cars, building, lumber piles, &c.		Explosion of locomotive boiler.		Falling off passenger train.		Falling off tender while handling coal.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....					1	2			3	8		3					1	
Canadian Pacific.....		1			5	1		2	3	1					2	3	1	2
Canadian Northern.....								12	1	2		1			4	10		
Grand Trunk Pacific.....		1																
Toronto, Hamilton & Buffalo.....								1		2								
Canadian Northern, Quebec.....										1					1			21
Pere Marquette.....								1				1					1	
Algoma Central & Hudson Bay.....										1						1		
London & Lake Erie.....																		
Winnipeg Joint Terminals.....																		
Atlantic, Quebec & Western.....										1							1	
Wabash.....																		
Quebec, Montreal & Southern.....																		
Windsor, Essex & Lake Shore.....																		
New Brunswick & P. E. Island.....																		
British Columbia.....																		
Michigan Central.....						1				1		2						1
Moncton & Buctouche.....																		
Central Ontario.....																		
Central Vermont.....																		
Dominion Atlantic.....																		
Temiscouata.....																		
St. Lawrence & Adirondack.....																1		
Morrissey, Fergie & Michel.....										1								
Vancouver & Victoria.....										1								
Boston & Maine.....																		
The Horsford.....																		
Ottawa & New York.....																		
Nagara, St. Catharines & Toronto.....																		
Canadian Northern, Ontario.....																1		
Montreal & Southern Counties.....																		
Bay of Quinte.....																1		
Maine Central.....																		
Esquimaux & Nanaimo.....																		
	3				6	4		2	4	21		4			6	17	1	7

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STATEMENT No. 2.—Showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Falling off tender while taking water.		Working in shop.		Riding on pilot of engine.		Over-head bridge.		Repairing cars on repair track when moved by engine.		Falling off top of car while walking over train.		Falling between cars going over top.		Train jarring and colliding.		Jumping off train in motion.		Attempt to board train in motion.	
	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.
Grand Trunk		1																		
Canadian Pacific		1		9	3	1	2	1												
Canadian Northern		2		5					1											
Grand Trunk Pacific				58	5															
Toronto, Hamilton, and Buffalo				11																
Canadian Northern Quebec																				
Pere Marquette		1		4				1												
Algoma Central and Hudson Bay.				10																
London and Lake Erie																				
Winnipeg Joint Terminals.				1																
Atlantic, Quebec & Western.																				
Wabash																				
Quebec, Montreal and Southern																				
Windsor, Essex and Lake Shore																				
New Brunswick and P. E. Island																				
British Columbia																				
Michigan Central																				
Monongton and Bucktonche		1		1																
Central Ontario																				
Central Vermont																				
Dominion Atlantic																				
Truicouata																				
St. Lawrence and Adirondack.																				
Morrissey, Fernie and Michel.																				
Vancouver and Victoria.				1																
Boston and Maine				1																
The Hersford																				
Ottawa and New York.				1																
Niagara, St. Catharines and Toronto																				
Canadian Northern Ontario.				2																
Montreal and Southern Counties.																				
Bay of Quinte.																				
Maine Central																				
Esquimaux and Sarnia																				
	6		105	3	14	2	3	1	4		4	41	2	5	7	8	7	55	8	47

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STATEMENT No. 2.—Showing the Character of Accidents sustained by the Persons Killed and Injured, on the various Railways under the Jurisdiction of the Board for the year ending March, 31, 1914.

	Asphyxiated in tunnel.		Handling freight.		Loading and unloading O.C.S. material.		Building and repairing.		Working in coal chute.		Cars moved while loading and unloading.		Draw-bridge open.		Repairing cars on running track when moved by engine.		Locomotive dropping crown sheet or firebox.		Total.
	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	
Grand Trunk																			L. 448
Canadian Pacific				9		1		1		4									K. 171
Canadian Northern				1		4		3		1									L. 482
Grand Trunk Pacific				11				3											K. 315
Toronto, Hamilton & Buffalo				12		2		13											L. 296
Canadian Northern Quebec				4		1		8											K. 24
Pere Marquette				3				1		1									L. 157
Algoma Central & Hudson Bay								2											K. 7
London & Lake Erie																			L. 135
Winnipeg Joint Terminals								1											K. 10
Atlantic, Quebec & Western																			L. 54
Wabash																			K. 4
Quebec, Montreal & Southern								1											L. 23
Windsor, Essex and Lake Shore																			K. 1
New Brunswick & P.E.I.																			L. 12
British Columbia																			K. 2
Michigan Central																			L. 11
Moncton & Baie du Che																			K. 1
Central Ontario																			L. 53
Central Vermont																			K. 4
Dominion Atlantic																			L. 2
Tennessean																			K. 1
St. Lawrence & Adirondack																			L. 14
Morrissey, Farnie & Michel																			K. 13
Vancouver & Victoria																			L. 19
Boston & Maine																			K. 4
The Hopedale																			L. 9
Ottawa & New York																			K. 2
Nagato, St. Catharines & Toronto																			L. 65
Canadian Northern Ontario																			K. 2
Bay of Quinte																			L. 3
Maine Central																			K. 1
Esquimalt & Nanaimo																			L. 3
Montreal & Southern Counties																			K. 3
	1		1	45		3	50		10	1	7	1	6	1		4	2	4	L. 1899

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STATEMENT No. 3.—Showing separately the Number of Passengers, Employees and others Killed and Injured, and the Nature of the Accidents, for the year ending March 31, 1914.

Character of Accidents.	Passengers.		Employee.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	21	176	17	78	1	3	39	257
Collision head on.....		2	6	27	1		7	29
Collision rear end.....		9	13	14	1		14	23
Collision in yard.....		18	17	34	1	3	18	55
Collision with cars standing foul of main line.....		3		5				8
Collision with cars account open switch.....		12	5	5			5	17
Collision at level crossing.....		10	1	15		14	1	39
Highway crossing protected by gates.....				1	10	12	10	13
Highway crossing protected by bell.....					1	6	1	6
Highway crossing protected by watchman.....				1	6	11	6	12
Highway crossing unprotected.....			2	10	42	74	44	84
Private crossing.....					2	3	2	3
Trespassing.....			9	12	229	152	238	164
Working on or under engine.....		1	4	90	2	1	6	92
Unclassified.....	1	49	22	226	6	18	29	293
Adjusting couplers coupling and uncoupling.....		1	10	59	1		11	60
Working on track or bridge.....			18	116		1	18	117
Falling off hand car, motor or velocipede.....			2	29		1	2	30
Hand car, motor, velocipede struck by train.....			9	13	1		10	13
Crawling under cars.....		1		2				3
Crawling between cars over couplers.....								
Caught while passing through cars between couplers.....			5	4	1		6	4
Cars standing foul.....			2	16			2	16
Struck by switch stand, water spout, etc.....			4	20		1	4	21
Crushed between cars, buildings, platform, etc.....		3	4	4			4	7
Explosion of locomotive boiler.....								
Falling off passenger train.....	3	14	3	3			6	17
Falling off tender while handling coal.....			1	7			1	7
Falling off tender while taking water.....				6				6
Working in shop.....				105				105
Riding on pilot of engine.....			3	14			3	14
Overhead bridge.....		2	2	3			2	3
Repairing cars on repair track when moved by engine.....			1	4			1	4
Falling off top of car while walking over train.....			4	40		1	4	41
Falling between cars going over top.....			2	5			2	5
Train parting and colliding.....		1	1	6	6	1	7	8
Jumping off train in motion.....	4	17	3	36		2	7	53
Attempt to board train in motion.....		10	7	32	1	5	8	47
Washout.....								
Bridge gave way or burnt.....								
Electrocuted.....			2				2	
Run down in yard by switch or other engines or moving cars.....	2	12	52	52	2		56	64
Passing too close around end of string of cars.....			1	1			1	1
Caught in frog, guard rail, or switch rod.....			1	4			1	4
Caught while throwing switch.....				1				1
Falling off cars while climbing ladders.....				13				13
Falling off cars while working hand brake.....			2	12			2	12
Asphyxiated in tunnel.....			1				1	
Handling freight.....			1	45			1	45
Handling O. C. S. material.....			3	50			3	50
Building and repairing.....				10				10
Working in coal chute.....			1	7			1	7
Cars moved while loading or unloading.....			1	5		1	1	6
Drawbridge open.....			1				1	
Repairing cars on running track when moved by engine.....			4	4			4	4
Locomotive dropped crown sheet of fire box.....			2	4			2	4
	31	339	249	1,250	314	310	594	1,899

SESSIONAL PAPER No. 20c

STATEMENT No. 4.—Comparative Statement in Totals of Killed and Injured between Year ending March 31, 1913, and Year ending March 31, 1914, separately for each and every Accident.

Character of Accidents.	1913.		1914.		1914.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment	19	317	39	257	20			60
Collision head on	26	108	7	29			19	79
Collision rear end	16	90	14	23			2	67
Collision in yard	8	51	18	55	10	4		
Collision with cars standing foul of main line	2	1		8		7	2	
Collision with cars account open switch		15	5	17	5	2		
Collision at level crossing			1	39	1	39		
Highway crossings protected	10	14	17	31	7	17		
Highway crossings unprotected	29	48	44	84	15	36		
Private crossing	2		2	3		3		
Trespassing	251	116	238	164		48	13	
Working on or under engine	4	111	6	92	2			19
Unclassified	46	336	29	293			17	43
Adjusting couplers, coupling and uncoupling	29	92	11	60			18	32
Working on track or bridge	25	227	18	117			7	110
Falling off hand car, motor or velocipede	8	47	2	30			6	17
Hand car, motor, velocipede struck by train	16	16	10	13			6	3
Crawling under cars				3		3		
Crawling between cars over couplers		1						1
Caught while passing through cars between couplers	7	5	6	4			1	1
Cars standing foul	1	3	2	16	2	13		
Struck by switch stand, water spout, etc.	1	21	4	21	3			
Crushed between cars, buildings, platforms, etc.	7	9	4	7			3	2
Explosion of locomotive boiler								
Falling off passenger train	10	13	6	17		4	4	
Falling off tender while handling coal		4	1	7	1	3		
Falling off tender while taking water		8		6				2
Working in shop	3	176		105			3	71
Riding on pilot of engine	1	9	3	14	2	5		
Overhead bridge			2	3	2	3		
Repairing cars on repair track when moved by engine	3	2	1	4		2	2	
Falling off top of car while walking over train	10	43	4	41			6	2
Falling between cars going over top	2	7	2	5				2
Train parting and colliding	1	8	7	8	6			
Jumping off train in motion	12	53	7	55		2	5	
Attempt to board train in motion	16	40	8	47		7	6	1
Washout								
Bridge gave way or burnt								
Electrocuted	3		2				1	
Run down in yard by switch or other engines or moving cars	55	64	56	64	1			
Passing too close around end of string of cars			1	1	1	1		
Caught in frog, guard rail, or switch rod	2	7	1	4			1	3
Caught while throwing switch	1	5		1			1	4
Falling off cars while climbing ladders		15		13				2
Falling off cars while working hand brake		6	2	12	2	6		
Asphyxiated in tunnel			1		1			
Handling freight	3	52	1	45			2	7
Handling O.C.S. material	1	61	3	50	2			11
Building and re-pairing	4	8		10		2	4	
Working in coal chute	1	7	1	7				
Cars moved while loading or unloading	2	3	1	6		3	1	
Drawbridge open			1		1			
Repairing cars on running track when moved by engine	6	2	4	4		2	2	
Locomotive dropped crown sheet of fire box	1	10	2	4	1			6
Increase					98	212		
Decrease							134	544
Decrease for year 1914							49	332

5 GEORGE V., A. 1915

STATEMENT No. 5.—Comparative Statement in Total of Killed and Injured between Year ending March 31, 1913, and Year ending March 31, 1914, for each Railway separately.

Name of Railway.	1913.		1914.		1914.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	179	451	171	448			8	3
Canadian Pacific.....	309	500	315	482	15			18
Canadian Northern.....	45	544	24	306			21	238
Grand Trunk Pacific.....	31	189	17	157			14	32
Toronto, Hamilton & Buffalo.....	7	154	7	135				19
Canadian Northern Quebec.....	9	93	10	55	1			38
Pere Marquette.....	7	20	4	54		34	3	
Algoma Central & Hudson Bay.....	1	1	1					1
London & Lake Erie.....	2	2	1				1	2
Winnipeg Joint Terminals.....	3	6		23		17	3	
Atlantic, Quebec & Western.....			1		1			
Wabash.....	2	46	1	12			1	34
Quebec, Montreal & Southern.....		7	2	11	2	4		
Windsor, Essex & Lake Shore.....	1	3	1	1				2
New Brunswick & P.E.I.....				1		1		
British Columbia.....	1	1	1					1
Michigan Central.....	20	114	11	53			9	61
Moncton & Buctouche.....			4	2	4	2		
Central Ontario.....	2		2	1		1		
Central Vermont.....	2	15	8	16	6	1		
Dominion Atlantic.....	2	6		3			2	3
Temiscouata.....	1		1					
St. Lawrence & Adirondack.....		6		14		8		
Morrissey, Fernie & Michel.....			1	13	1	13		
Vancouver & Victoria.....	4	12	2	19		7	2	
Boston & Maine.....	1			4		4	1	
The Hereford.....				1		1		
Ottawa & New York.....	1			9		9	1	
Niagara, St. Catharines & Toronto.....	1		2	1	1	1		
Canadian Northern Ontario.....	12	32	2	66		34	10	
Montreal & Southern Counties.....			1		1			
Bay of Quinte.....	2	25	1	7			1	18
Maine Central.....				3		3		
Esquimalt & Nanaimo.....			3	2	3	2		
Algoma Eastern.....	1						1	
Brockville, Westport & Northwestern.....	1						1	
Great Northern.....		1						1
Klondike Mines.....	1						1	
Kingston & Pembroke.....	2	2					2	2
Oshawa.....	1	1					1	1
Quebec Railway Light & Power.....	1						1	
Increase.....					35	142		
Decrease.....							84	474
Decrease for year 1914.....							49	332

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STATEMENT No. 6.—A Comparative Statement of Killed and Injured between Year ending March 31, 1913, and Year ending March 31, 1914.

	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Year ending March 31, 1913.....	21	410	363	1603	319	218	643	2231
" " 31, 1914.....	31	339	249	1250	314	310	594	1899
Increase over 1913.....	10	.....	.....	.....	.....	92	.....	.....
Decrease over 1913.....	.....	71	54	353	5	.....	49	332

5 GEORGE V., A. 1915

STATEMENT No. 7.—Showing Collisions attended by Personal Injury investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
2644	Mar. 16	Meleod, S.D. Mil. 73	C.P.R.	1	
2773	Mar. 26	Sudbury, W. of West Mile Board	C.P.R.		22
2651	Feb. 27	Port Moody	C.P.R.	5	2
2674	Feb. 11	St. Gregor	C.N.R.		1
2686	Mar. 27	Dorval, 1 mile east	C.P.R.		3
2686	Feb. 28	Dauphin Yards	C.N.R.		2
2700	Feb. 9	Middleton	C.P.R.		1
2707	Jan. 9	Fernie Yard	M.F. & M.		1
2726	Mar. 12	Harrison Mills	C.P.R.	1	
2764	Feb. 27	Aberdeen, Sask.	C.N.R.		1
2756	Jan. 15	London	G.T.R.		3
2767	Apr. 26	Ashcroft	C.P.R.	1	
2790	Apr. 17	Toronto	G.T.R.	1	2
2791	Apr. 9	White River	C.P.R.	1	1
2793	Mar. 29	Georgetown	G.T.R.		1
2795	May 11	Fort Rouge	C.N.R.		1
2797	Apr. 14	Merriton	G.T.R.		1
2821	Apr. 9	Huntingdon	G.T.R.	1	
2827	May 7	Renfrew	G.T.R.		1
2828	May 10	Smiths Falls Yard	C.P.R.		1
2833	Apr. 18	Welland, Ont.	M.C.R.	1	
2841	May 22	Chesterville	C.P.R.		1
2859	Feb. 12	Poplar Point, Man.	C.P.R.	1	1
2886	June 21	Tofield, Alta.	G.T.P.		12
2892	June 16	Ogden	C.P.R.	1	
2897	May 19	Windsor	Wabash		8
2898	June 16	Middlemiss	Wabash		3
2903	June 19	St. Armand	C.V.R.		1
2918	June 25	Montrose Yard	M.C.R.		1
2940	June 25	Montreal, Richmond Street	G.T.R.		3
2964	June 24	London, Diamond crossing, Dundas St.	G.T.R. & St.		16
2976	July 28	St. Catherine's Yard	G.T.R.	2	2
2980	July 5	Winnipeg, Man.	W.J.T.		2
2991	Mar. 6	Delhi	G.T.R.		1
2995	Aug. 22	Les Ecureuils	C.N.Q.		1
3020	Aug. 27	Richmond	G.T.R.		1
3031	Aug. 14	Tetereaultville Diamond crossing	C.N.Q. & Mont- real Tram.	1	3
3033	Aug. 7	North Bay Junction	G.T.R.		1
3044	Mar. 4	Between M. P. 46 and 47	C.N.R.		6
3057	Aug. 1	Gananoque Junction	G.T.R.		2
3058	May 30	Toronto, Bathurst St., Jct.	G.T.R.		1
3076	June 19	South Coimston, 5 poles north	C.N.R.		1
3077	June 16	Aberdeen Coal dock	T.H. & B.		4
3078	Jan. 27	Hamilton, Aberdeen Yard	T.H. & B.		4
3083	Aug. 11	Turoot West Yard	G.T.R.	1	3
3085	Mar. 2	Wanstead	G.T.R.		6
3086	July 26	Maple	G.T.R.	1	1
3088	Sept. 12	Edmonton, Alberta Avenue	G.T.P. & St. Ry.		7
3106	Aug. 29	Peterborough, Charlotte Street	G.T.R. St. Ry.		5
3115	Aug. 23	Mileage 94 1/4	E. & N.	1	
3118	Oct. 18	Leaside Junction	C.P.R.		1
3155	Nov. 9	Kingscourt Junction	G.T.R.	3	2
3157	Dec. 19	Metagama, Mileage 36 7/8	C.P.R.		3
3165	May 5	Callum, 1/2 mile east	C.P.R.		6
3167	Sept. 16	M. P. 46 5/8, White River Subdivision	C.P.R.		10
3183	Nov. 10	Mileage 31, Megantic Subdivision	C.P.R.		2
3189	Oct. 22	Pardee West Mile Board	C.P.R.	5	3
3190	Nov. 8	Niagara Falls	G.T.R.		1
3191	Oct. 17	North Regina, Fifth Ave.	C.N.R. & St. Ry.		1
3240	Nov. 11	Sudbury Yard	C.N.R.		3
3241	Dec. 24	Brockville	G.T.R.	1	1
3245	Sept. 30	Gull Lake, Sask.	C.P.R.		4

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STATEMENT No. 7.—Showing Collisions attended by Personal Injury investigated during Year ending March 31, 1914.—*Concluded.*

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv					
3248	Dec. 3.	Reston, Man. Arcola Subdivision.	C.P.R.	1	
3253	Dec. 2.	Humbolt, West end of Yard.	C.N.R.		1
3259	Dec. 31.	Hamilton, Aberdeen Yard.	T.H. & B.		1
3263	Dec. 27.	Mileage 79.5, Portal Subdivision.	C.P.R.	1	3
3270	Dec. 12.	Oshawa, 1 mile east.	G.T.R.	1	2
3272	Dec. 11.	Guelph	G.T.R.		1
3280	Dec. 26.	Cainsville, 1½ miles east.	G.T.R.		2
3289	Jan. 10.	McAuley Junction.	G.T.R.		1
3291	Dec. 11.	Beaconsfield	G.T.R.		2
3303	Feb. 21.	Ottawa	G.T.R.		1
3306	Jan. 13.	Toronto	G.T.R.		3
3318	Dec. 26.	Mile 99½, Chapleau Subdivision.	C.P.R.	2	
3325	Jan. 1.	Havelock	C.P.R.		3
3337	Feb. 17.	Bury station, east of	C.P.R.	1	
3344	Feb. 20.	Outremont Yard	C.P.R.		1
3345	Feb. 16.	Bellevue, Alta	C.P.R.	1	
3362	Feb. 26.	Mardaumin, Ont.	G.T.R.	1	
3363	Feb. 24.	Montreal, Pt. St. Charles, Bridge St.	G.T.R. & St. Ry.		3
2912	April 1	Berlin, Wellington St. Diamond	G.T.R. & St. Ry.		10
				37	214

5 GEORGE V., A. 1915

STATEMENT No. 8.—Showing Derailments Attended by Personal Injury investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
2636	Feb. 13	Powossan, 3 miles south.	G.T.R.		1
2659	Oct. 3	Larkin, 1½ miles west.	B. of Q.		11
2675	Dec. 29	Tiny, Sask.	C.N.R.		2
2680	Apr. 13	St. Lambert, 3 miles south.	C.V.R.	6	13
2718	Mar. 10	Mileage 6	C.P.R.		1
2734	May 10	Rawdon, 1 mile south	C.N.Q.		2
2735	Apr. 24	Brosseau Junction	G.T.R.		3
2748	Aug. 15	Mileage 181	C.N.R.		1
2759	Apr. 16	Mileage 73.7	C.P.R.		2
2792	Mar. 28	Limbo	C.P.R.		4
2825	May 22	Metford	C.V.R.		1
2842	May 4	Mileage 10	C.P.R.	1	
2843	Apr. 6	Mileage 36.28	C.P.R.		2
2854	Apr. 15	St. Lawrence	G.T.R.		1
2860	June 23	Mileage 19	C.P.R.		4
2861	June 19	Battle River Subdivision	C.N.R.	1	
2867	May 29	M. P. 36, 1½ mile west of Strome	C.P.R.	1	
2873	June 25	Ottawa, Mileage 3, Chalk River Sub.	C.P.R.	8	69
2877	June 15	Buxton, ½ mile west	M.C.R.		1
2880	June 24	Actonvale	G.T.R.		3
2904	June 22	St. Armand	C.V.R.		1
2907	June 5	L'Orignal, 1½ miles west.	C.N.O.		1
2925	June 1	M. P. 105	I.T.P.		1
2927	June 29	McGee, 1 mile west of	C.N.R.		1
2929	June 15	Calgary, Doddsland	G.T.P.		5
2930	May 31	Paswegin, East.	C.N.R.		5
2959	July 2	Fort Erie	G.T.R.		1
2966	July 26	Lucan	G.T.R.		4
2969	Aug. 15	Canfield, Jct., East of	Wabash		9
2983	July 9	Vaudreuil Station	G.T.R.		1
3014	Aug. 17	Muskoka Yard	C.P.R.		1
3021	Aug. 22	Ottawa Nepean Yard	G.T.R.		1
3022	July 31	Mileage 383, Ottawa Subdivision	G.T.R.	5	2
3060	Aug. 13	St. Boniface, Highline	C.N.R.		1
3067	Sept. 18	Mileage 13, White River Subdivision	C.P.R.	1	
3071	Aug. 7	Pt. Stanley	P.M.R.		1
3084	May 12	Renfrew Junction	C.P.R.		1
3090	Aug. 23	North Edmonton, Sidetrack	C.N.R.		1
3105	Oct. 9	Queenston	M.C.R.	1	
3107	Sept. 2	St. Anns, ½ mile east of	T.H. & B.		1
3135	Sept. 29	Between Renton and Jarvi	G.T.R.		12
3144	Nov. 3	Moose Jaw Yard, west of Switch	C.P.R.	2	8
3152	Oct. 6	Letellier	C.N.R.	1	
3153	July 20	Mileage 46, Schrieber Subdivision	C.P.R.		8
3164	Nov. 24	Puce, 1 mile west of	G.T.R.		6
3168	Nov. 21	Heron Bay, Mileage 72	C.P.R.	1	
3176	Oct. 5	Shonta, Alta., Pellettes Rd. Crossing	G.T.P.		1
3177	Oct. 13	Jack Fish, New Yard	C.P.R.		1
3201	Nov. 13	St. Lamberts, between St. Henri and Pt. St. Charles	G.T.R.	1	1
3208	Nov. 9	M. P. 1,175, East end of bridge	G.T.P.	1	
3214	Oct. 23	Headingley	C.N.R.		1
3218	Dec. 6	M. P. 75, Owen Sound Subdivision	C.P.R.		1
3220	Nov. 20	Pt. Credit, Brick Co's. Siding	G.T.R.		1
3233	Dec. 19	Yarker, 2 miles west of	C.N.R.		3
3235	Dec. 7	Ekfrid, Ont.	G.T.R.		1
3262	Dec. 27	Mileage 79.5, Portal Subdivision	C.P.R.	1	3
3269	Dec. 22	Meath, ½ mile west of, near Pembroke	C.P.R.	1	2
3273	Nov. 8	China Bar, ½ mile west	C.P.R.		1
3279	Jan. 27	Mileage 266½, North Toronto	C.N.O.		28
3287	Jan. 9	South March	G.T.R.		1
3322	Feb. 17	Mileage 94, Smiths Falls Subdivision	C.P.R.	1	10
3332	Feb. 21	Near Casselman	G.T.R.	1	
3365	Mar. 21	Mileage 21, east of East Don	C.N.R.		4
Total				34	252

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STATEMENT No. 9.—Showing Highway Crossing Accidents Attended by Personal Injury investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
2672	Mar. 12	Port Hope, John Street.	G. T. R.		1
2673	" 4	Port Hope, Barrett Street.	G. T. R.		1
2679	" 6	Peterboro, Simcoe Street.	G. T. R.		1
2687	" 9	Pt. St. Charles, Hibernia Street.	G. T. R.		1
2719	" 25	Montreal, Guy Street.	G. T. R.		1
2721	" 18	Montreal, Versailles Street.	G. T. R.		3
2722	Apr. 7	Pt. Du Lac, Crossing 3 miles.	C. P. R.		1
2723	Feb. 13	Mount Forest, Queen Street.	G. T. R.		1
2724	Mar. 28	London, Waterloo Street.	G. T. R.		1
2725	Feb. 24	Davidson, Road Crossing.	C. N. R.		1
2831	Apr. 20	Merrickville, First Public Crossing.	C. P. R.	1	
2732	" 20	St. Boniface, Archibald Street.	W. J. T.		1
2750	" 30	London, Burwell Street.	G. T. R.		1
2751	" 11	"	G. T. R.		1
2752	" 25	Woodstock, Wilson Street.	G. T. R.	1	
2757	" 10	London, Talbot Street.	G. T. R.		1
2761	" 29	Cap St. Martin, Public Crossing.	C. P. R.		1
2762	May 8	Berthier Junction, Public Crossing East.	C. P. R.	2	
2766	Apr. 6	Deville, 2nd road crossing west.	G. T. P.	1	
2778	" 21	Aurora, Wellington St.	G. T. R.		1
2803	May 12	Hamilton, Bailey Street.	T. H. & B.		1
2816	" 5	Maxville, 1st crossing east.	G. T. R.		1
2822	" 3	Hochelaga, Cuvillier Street.	C. N. Q.		1
2829	" 14	Montreal, Fulford Street.	G. T. R.	1	
2832	Apr. 17	Foxboro, crossing 2 miles east.	G. T. R.		2
2851	May 30	Mileage 22.79, crossing near St. Martins Jct.	C. P. R.		1
2852	" 19	St. Madeline, crossing east of	G. T. R.	1	
2863	June 16	Montreal, Papineau Road.	C. P. R.		1
2864	" 7	" Mountain Street.	G. T. R.	1	
2866	May 29	" Decourculles St.	G. T. R.	1	
2878	June 5	Niagara Falls, Huron Street.	M. C. R.		1
2881	" 17	Burlington Jct., Brant Street.	C. P. R.	1	
2882	May 13	St. Thomas, Moore Street.	M. C. R.		1
2901	July 9	Sandwich, crossing east of	W. E. & L.	1	
2922	June 1	Guelph Jct., Edinburgh street.	G. T. R.		3
2934	" 26	Burlington Jct., Brant House crossing.	G. T. R.	1	
2938	" 9	Vancouver Island, McKinnon crossing.	E. & N.	1	1
2941	" 25	St. John, Johns St.	C. P. R.		1
2943	July 26	Cobourg, University avenue.	G. T. R.	1	2
2946	June 21	Glen Robertson.	G. T. R.	1	
2948	" 25	Masson, Crossing west.	C. P. R.	1	1
2950	Aug. 5	Havelock, Concession street.	C. P. R.		2
2953	June 27	Wolverton, road between lots 9 and 10.	C. P. R.	1	
2954	July 25	Colborne, lot crossing $\frac{1}{2}$ mile west.	G. T. R.		1
2955	" 26	Cobourg, Ontario street.	C. N. O.	1	
2956	" 18	Port Dover, St. Patrick street.	G. T. R.	1	
2960	" 25	Moffatt, first public crossing west.	C. P. R.	1	1
2961	Aug. 5	Clarkson, first crossing east.	G. T. R.	1	
2962	" 5	London, William street.	G. T. R.		7
2963	June 1	Stoney Point, Tecumseh road.	G. T. R.		1
2965	July 31	Welland, Muir street.	M. C. R.		1
2975	Aug. 14	Townsend, public crossing east.	M. C. R.	1	
2993	" 10	Montreal, Rose de Lima street.	G. T. R.		1
2994	" 14	Lachine, Tenth avenue.	G. T. R.	1	
2996	June 29	Marieapolis, St. Paul street.	C. N. R.		1
2999	Aug. 1	Scarboro, Danforth road.	G. T. R.		1
3001	July 29	Wyoming, crossing 1 mile east.	G. T. R.	1	
3007	Aug. 30	Winnipeg, Godfrey avenue.	C. P. R.	1	
3013	" 6	Hastings, first crossing east.	G. T. R.		2
3027	" 13	Montreal, Colborne street.	G. T. R.		1
3030	Sept. 11	St. Justine, crossing west of station.	G. T. R.		1
3047	" 12	Britannia, 1st crossing east.	C. P. R.	1	
3048	Sept. 6	Little St. Martin, 1st crossing west.	C. P. R.	2	
3049	" 12	Montreal, St. Laurent crossing.	G. T. R.		1
3050	" 26	St. Martin, Cote du Sud crossing.	C. P. R.	5	
3074	Aug. 27	Port Colborne, Bush Street.	G. T. R.		3
3093	Sept. 22	St. Hilaire, first crossing west.	G. T. R.	1	1
3094	" 29	St. Hubert, public crossing west.	G. T. R.		2

5 GEORGE V., A. 1915

STATEMENT No. 9.—Showing Highway Crossing Accidents Attended by Personal Injury investigated during Year ending March 31, 1914.—Continued.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
3095	Oct. 11	Sherbrooke, Alexander Street.	C.P.R.		2
3096	Aug. 15	Farnham, Main Street.	C.P.R.		2
3101	Sept. 27	Chatham, Diamond crossing.	G.T.R.		1
3102	Aug. 26	Renwick, public road south.	P.M.R.		1
3103	Oct. 26	Buxton, road 200 feet west of station.	M.C.R.	1	
3113	Sept. 4	Souris, First Avenue crossing.	C.P.R.	1	
3120	Oct. 18	Hamilton, Ottawa Street.	G.T.R.		1
3125	" 20	Quebec, Gosford Street, St. Roch.	C.P.R.		1
3129	" 3	Edmonton, Namayo Avenue.	C.N.R.	2	
3130	Aug. 23	Lime Ridge, crossing east.	M.C.R.		2
3131	Oct. 13	Alfred, crossing at M. P. 27.	C.P.R.		2
3136	" 18	London, William Street.	G.T.R.	1	
3138	" 24	Sudbury, Elm Street.	C.P.R.		1
3143	" 27	Paslinch, crossing at M. P. 440.	C.P.R.		2
3161	" 28	Durham, public crossing west.	C.P.R.	1	
3163	" 17	Winnipeg, Main Street.	C.N.R.	1	
3169	" 6	Three Rivers, Bonaventure Street.	C.P.R.	2	
3170	" 20	Pinewood, crossing between lots 8 and 9.	C.N.R.		1
3171	Apr. 24	Brampton, Queen Street.	C.P.R.	1	
3175	Oct. 6	Walkerville, crossing 2 miles east.	G.T.R.	1	
3179	Sept. 30	Toronto, Cherry Street.	C.P.R.		1
3181	Nov. 6	Brunner, public crossing east.	G.T.R.		1
3184	" 16	Hull, C.P.R. road crossing.	C.P.R.	1	
3192	" 11	Alliston, first public crossing south.	C.P.R.		1
3199	Oct. 30	Lorne Park.	G.T.R.		2
3200	" 25	Glencolin, public crossing east of	G.T.R.	1	
3204	Nov. 18	Montreal, St. Ambrose Street.	G.T.R.	1	
3205	" 17	Montreal, Hibernian road crossing.	G.T.R.		1
3207	Oct. 25	Elmvale, crossing 1st mile south.	G.T.R.		1
3212	" 20	Rainy River, Little Street.	C.N.R.	1	
3223	Sept. 9	Edmonton, Willow Street.	G.T.P.		1
3228	Oct. 18	Sheho, first crossing east.	C.P.R.	1	
3234	Nov. 30	Toronto, Bloor Street.	G.T.R.		1
3244	Dec. 4	Boucherville, Chemin de Lac crossing.	Q.M. & S.	1	2
3247	" 15	Keewatin Street crossing, Winnipeg.	C.P.R.	1	
3257	Nov. 27	St. Thomas, Centre Street.	P.M.R.		1
3265	Dec. 13	Point St. Charles, Charlevoix Street.	G.T.R.	1	
3267	Nov. 23	South Durham, St. Laurent Street.	G.T.R.		1
3263	Dec. 27	Fort Coulonge, Boom Street.	C.P.R.	1	
3282	Jan. 20	Toronto, Trinity Street.	C.P.R.		1
3288	" 19	Montreal, Atwater Avenue.	C.P.R.		2
3297	" 14	South Indian, boundary road.	G.T.R.	1	
3301	Dec. 23	Thorndale, Main Street.	G.T.R.	1	
3302	" 25	Steeleton, North Street.	C.P.R.		1
3307	Nov. 10	Armilla, east mile 4 75.	C.P.R.	1	
3308	Feb. 5	Chatham, crossing 2½ miles north.	G.T.R.		2
3313	Jan. 9	Sapperton, Brunette Street.	V.V. & E.	1	
3315	Dec. 5	Saskatoon, Thirty-third Street.	C.N.R.		2
3316	Feb. 6	Georgetown, Goodwillies crossing.	G.T.R.	1	
3319	Dec. 26	London, Colborne Street.	G.T.R.		2
3320	Oct. 17	Wallaceburg, Wallace Street.	P.M.R.		1
3323	Feb. 17	Edmonton, Temisconata Street.	T.R.	1	
3326	" 12	Toronto, Arnotts crossing, Esplanade.	G.T.R.		1
3329	" 6	Carlsbad Springs, second crossing east.	G.T.R.		1
3336	" 4	Montreal, St. Remi Street.	G.T.R.		1
3338	" 14	London, William Street.	G.T.R.		1
3339	" 10	Woodstock, Light Street.	G.T.R.		1
3342	" 9	St. Bouiface, Provencher Avenue.	W.J.T.		1
3346	" 10	Quebec, Carillon Street.	C.P.R.		1
2648	Mar. 19	Hamilton, cor. of James & Hunter Sts.	C.P.R.		1
2812	Apr. 20	Montreal, Convent Street.	G.T.P.		1
2939	July 9	Green Valley, crossing east.	C.P.R.	1	
3080	Sept. 23	Montreal, Chatham Street.	G.T.R.	1	
3351	Feb. 21	London, Wellington Street.	G.T.R.	1	
3354	Mar. 1	Sudbury, Elm Street.	C.P.R.		4
3359	Dec. 29	Niagara Falls, Bridge Street.	G.T.R.		1
3364	Feb. 14	Port Williams station, west of.	D.A.R.		2
Total.				61	121

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STATEMENT No. 10. Showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2543	Feb. 28	St. Lazare, 2 miles west.	C.P.R.	Engine dropped crown sheet.		1
2545	" 5	Hochelaga Yard.	C.P.R.	Hanging on side of car and head struck supports of bridge.		1
2546	" 6	West St. John.	C.P.R.	Turning switch and was struck by car.		1
2547	Feb. 4	Fort William, Ont.	C.P.R.	Slipped on ice and fell under moving car.		1
2549	Dec. 30	Fort William, Ont.	C.P.R.	Cab of engine struck by car standing foul.	1	1
2550	Feb. 26	Minnes, Ont.	C.P.R.	Hand caught between buffer beam and car.		1
2552	Mar. 4	Beau Creek, B.C.	C.P.R.	Attempted to board moving train.	1	1
2553	" 12	Hawlock, Ont.	C.P.R.	Struck by engine when it was backing into turn-table.	1	1
2554	Feb. 24	Fort William, Ont.	C.P.R.	Picking up ice and was struck by train.		1
2555	" 6	Port Arthur Coal Dock.	C.P.R.	Rolling a barrel and was struck by moving car.		1
2557	" 6	Winnipeg, Man.	C.P.R.	Run down in yard by moving engine.		1
2558	" 9	Fort William, Ont.	C.P.R.	Crushed between draw bars, while coupling cars.	1	1
2560	Jan. 20	Vancouver, Terminals.	C.P.R.	Derailed car side swiped engine.		1
2561	Feb. 21	Kinnear, Ont.	T.H. & B.	Fell off side of car.		1
2562	" 9	Welland, Ont.	T.H. & B.	Getting off moving engine stepped on piece of coal.		1
2563	Mar. 28	M. P. 164, 14 poles west.	C.N.R.	Walking on track run over by train.	1	1
2564	" 21	Winkerton.	C.P.R.	Standing on platform and was struck by truck.		1
2565	April 6	Pendleton, Ont.	C.P.R.	Setting up hand brake when chain slipped.		1
2566	" 2	Rosederry, B.C.	C.P.R.	While endeavoring to get speeder off track was struck by train.	1	1
2567	Mar. 30	Marconi, Man.	C.P.R.	Got off train and walked in front of moving engine.		1
2568	" 15	Mile 47, Broadview Sub.	C.P.R.	Hand car struck by train.	1	1
2569	" 18	Hamilton, Ont.	G.T.R.	While turning switch was struck by tender of engine.		1
2570	" 10	Wellwood, Ont.	C.P.R.	Climbing car and was struck by end of truss rod on another car.	1	1
2571	Feb. 26	Carleton roundhouse.	C.P.R.	Attempted to climb on tender step and was struck by door of roundhouse.		1
2576	" 15	Winnipeg, Man.	C.P.R.	Run down in yard by moving engine.	1	1
2577	Mar. 29	Ottawa, Central Depot.	C.P.R.	Attempted to jump off moving train.		1
2578	" 13	North Bay shops.	C.P.R.	Caught while chaining tender to engine.	1	1
2581	" 4	Melville, Sask.	G.T.P.	Struck in face by hot water from injector of engine.		1
2582	Feb. 1	Winnipeg Terminal Yard.	W.J.T.	Run down in yard by moving engine.		1
2583	Mar. 1	Dauphin, Man.	C.N.R.	Run down in yard by moving engine.	1	1
2584	" 4	Rivers, Man.	G.T.P.	Hanging on side of car and was thrown off.		1
2585	Feb. 19	Lisack, Sask.	G.T.P.	Fell off moving train.	1	1
2588	Mar. 26	Farnham, Que.	C.P.R.	Cleaning fire box in ash pan when stand slaker bracket came out allowed steam to strike leg.	1	1
2589	Feb. 25	South Indian, Ont.	G.T.R.	Attempted to board train in motion.	1	1
2590	Mar. 18	Bordeaux, Que.	C.P.R.	Slipped on ice while passing in front of moving cars.		1

STATEMENT No. 10—Showing various other Accidents, attended by Personal Injury, Investigated during Year ending March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Jan.						
2631	Mar. 20	Kingsbury, Que.	C.P.R.	Knocked off top of car.		
2632	" 3	Rugby Junction.	C.P.R.	Moving car struck side of cab of engine.		
2633	Feb. 6	Winnipeg, Union station.	C.N.R.	Shipped off tender of engine.		
2634	Mar. 3	Fort Rouge, Man.	C.N.R.	Uncoupling air between 2 cars when slack ran out.		
2636	April 5	St. Thomas Yard.	M.C.R.	Jumped off moving engine.		
2637	" 9	St. Anna, Ont.	T.H. & B.	Some obstruction foul of track struck cab of engine.		
2638	Mar. 25	Belair, 24 miles west.	C.P.R.	Was driving, when horse ran down track and collided with engine.		
2639	" 29	Pt. St. Charles, Que.	G.T.R.	Run down in yard by moving cars.		
2701	April 1	Windsor, Ont.	G.T.R.	Riding on top of car when he was knocked off.		
2702	Jan. 17	Meintosh, Ont. 1 mile west.	G.T.R.	Expansion bracket stud blew out under firebox door.		
2703	Mar. 27	Calgary, Alta.	C.P.R.	Climbing up side of car and fell off.		
2704	" 28	Medicine Hat, Alta.	C.P.R.	Crushed between car and temporary platform.		
2705	" 29	Fort Erie, Ont.	G.T.R.	Fell from tender into cab of engine.		
2706	" 4	Between Fernie and Coal Creek B. C.	M. F. & M.	Fell off foot board of engine and was run over.		
2708	" 27	St. Bazile, Que.	G.T.R.	Shaker bar of engine fell on hand.		
2709	April 16	Sheldon, Ont.	C.P.R.	Fell off running board of engine.		
2710	Mar. 19	Hamilton, Aberdeen yard.	T.H. & B.	Walking on track and struck by engine.		
2711	Feb. 19	M. P. 59 Niagara sub.	C.P.R.	Crown sheet burst on engine.		
2712	Mar. 25	Meaford, Ont.	G.T.R.	Caught between couplers, while coupling cars.		
2713	" 7	Niagara Falls, Ont.	G.T.R.	Attempted to board moving engine.		
2714	" 24	Stoney Creek, Ont.	G.T.R.	While coupling cars had head caught between cars and some logs.		
2715	" 19	Hamilton, Ont.	G.T.R.	Caught between cars while coupling.		
2716	April 10	Carleton, half mile south	C.P.R.	Fell off top of car.		
2717	Mar. 22	Fort William, Ont.	C.P.R.	Stepped between car and engine while in motion.		
2720	" 15	St. Hubert, Que.	G.T.R.	Jumped off moving train.		
2727	" 19	Coal Creek yards.	M. F. & M.	Knocked between cars while coupling.		
2728	April 28	Hamilton, Aberdeen yard.	T.H. & B.	Poling cars and was caught when pole broke.		
2729	" 19	Mississauga station.	C.P.R.	Attempted to board moving train.		
2730	Mar. 2	Prince Albert, Sask.	C.N.R.	Caught while making coupling.		
2733	April 18	West Toronto, No. 6 switch.	C.P.R.	Run down in yard by moving engine.		
2736	" 28	Hawkesbury.	G.T.R.	Fell off the pilot of engine.		
2737	May 3	Stanford, Ont.	G.T.R.	Hanging on side of car and was struck by switch.		
2738	" 3	Minico, Ont.	G.T.R.	Riding on side of car and was struck by a large pipe.		
2739	April 25	Corbin Jet.	G.T.R.	Climbing up side of car and was struck by a projecting board on another car.		
2740	" 22	Blairstown, Ont. 21 miles south.	G.T.R.	Playing on track and was struck by train.		
2741	" 28	False Creek, B. C.	V. & E.	Fell while getting off train.		
2742	Mar. 22	Edward, Ont.	M. C. R.	While passing train was struck by a piece of wood projecting from a car.		

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9743	April 28	Saskatoon, Sask.	C. N. R.	Struck by a plank projecting from a car.	1
9743	Mar. 18	Iona, Ont.	M. C. R.	Slipped while getting off train.	1
9745	May 7	Mackay, Ont.	C. P. R.	Was caught between rails and ties when engine coupled.	1
2746	Mar. 7	Vancouver, B. C.	C. P. R.	Evidently fell off top of car.	1
2747	April 19	Portage La Prairie, Man.	G. T. P.	Caught between cars while switching.	1
2749	" 18	Toronto, Union station.	C. P. R.	Attempted to board moving train.	1
2753	" 12	Winnipeg, cadet's track.	C. N. R.	Fell off coal car.	1
2754	" 18	St. Thomas yard.	M. C. R.	Run down in yard by moving engine.	1
2755	Mar. 4	St. Thomas yard.	M. C. R.	Caught between couplers while inspecting cars.	1
2758	April 16	Langue Point, Que.	C. P. R.	Attempted to cross track in front of train.	1
2760	" 12	Waller ville, Ont.	W. & A.	Hanging on side of car and was struck by other cars.	1
2763	Mar. 13	Waukegan, Ont.	G. T. P.	Run down in yard by moving engine.	1
2768	April 23	Vegreville yard.	C. N. R.	Caught between operating lever while making coupling.	1
2769	Mar. 31	Mile 167, Alta.	G. T. P.	Knocked down while cars were coupling together.	1
2770	" 24	St. Gregor, Sask.	C. N. R.	Attempted to get off moving train.	1
2771	" 1	Vernon, Sask.	C. P. R.	Had arm caught while making coupling.	1
2772	" 28	Maple Creek, Sask.	C. P. R.	Run down by moving car.	1
2774	" 27	Nicholson, M. P. 24-1, Ont.	C. P. R.	Leaning up against train when it started.	1
2775	" 7	Sunnyvale, Ont., west of	G. T. R.	Walking along the track and was struck by train.	1
2776	April 23	Port Erie, Ont.	G. T. R.	Run down in yard by moving cars.	1
2779	May 5	Port Erie yard.	G. T. R.	Caught while between cars inspecting couplers.	1
2780	" 5	Paris Jct., Ont.	G. T. R.	Projection from moving train struck cab of engine.	1
2788	April 23	Blenheim, Ont.	P. M. R.	While switching stepped in hole along side of track.	1
2794	May 17	Mileage 73, Havelock sub.	C. P. R.	Starting valve of main globe valve on engine blew off.	1
2796	April 27	London, Ont.	G. T. R.	Washout plug of engine blew out.	2
2798	Apr. 29	Winnipeg, Hill Main line.	C. N. R.	Fell off moving car.	1
2799	" 29	Hamilton, Ont.	G. T. R.	Fell from top of car.	1
2800	Mar. 28	Port Dover, Ont.	G. T. R.	Hand caught between couplers.	1
2801	Mar. 28	Toronto, Ont.	G. T. R.	Run down in yard by moving engine.	1
2802	May 15	Hamilton, near Ferguson ave.	G. T. R.	Engine struck rig when rig was about to pass a number of lumber piles.	1
2804	" 6	Hamilton yard.	G. T. R.	Injured by torpedoes which exploded.	1
2805	" 27	Between Markham and Agincourt.	G. T. R.	Jumped off moving train.	1
2806	" 22	Bremner, 60 ft. west.	C. P. R.	Explosion of dynamite.	1
2807	" 23	Mirror Yard, Alta.	G. T. P.	Fell from top of box car.	1
2808	" 25	Regina Yard, Sask.	G. T. P.	Knocked off foot board of engine.	1
2809	" 14	Mileage 103, Cartier subdiv.	C. P. R.	Repairing engine was struck by crosshead.	1
2810	Apr. 26	Whitby, Ont.	G. T. R.	Head light of engine exploded.	1
2811	" 23	Richmond, Que.	G. T. R.	Hand caught while coupling cars.	1
2813	" 20	Sherbrooke, Que.	G. T. R.	Fell into turn-table pit.	1
2814	" 28	Dorval, 1 mile west.	G. T. R.	Was struck in face by cab window which blew out of place.	1
2815	" 28	Coteau, Que.	G. T. R.	Shaker bar slipped off of engine.	1
2817	May 15	Caroline, Que.	Q. M. & S.	Hand caught in coal board of engine.	1
2818	Apr. 7	Athelstan, Que.	St. L. & A.	Foot caught while turning angle cock.	1
2819	May 7	Depot Harbour, Ont.	G. T. R.	Caught between rope and spool of car pulley.	1
2820	" 19	Between Mile 16 and 17, Farmham subdivision.	C. P. R.	Fell while getting out of car and was run over.	1

STATEMENT No. 10.—Showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2823	May 29.	Edmonton, Alta., Clark's spur	C. N. R.	Knocked off top of car.		1
2824	" 29.	Three Rivers, Que.	C. P. R.	Fell between cars while walking over train.		1
2825	Apr. 29.	Midland, Ont.	G. T. R.	Fell off back of tender.		1
2826	June 1.	Fernie, B. C.	M. P. & M.	Dropping off engine was struck by switch.		1
2831	Mar. 26.	Port Arthur, Ont.	C. N. R.	Slipped on ice while attempting to get on moving car.		1
2834	Apr. 15.	Fort Erie, Ont.	W. L. & S.	Caught while attempting to adjust hose on car.		1
2835	" 13.	Hamilton, Ont.	G. T. R.	Caught between two cars.		1
2836	June 5.	North Bay, Ont., near.	C. P. R.	Struck by train while trying to get hand car off track.		1
2837	" 5.	Como	C. P. R.	Fell while getting off train backwards.		1
2838	" 6.	Jacques Cartier Jet., Que.	C. P. R.	Lost balance while getting off train.		1
2839	" 9.	Easter, Ont.	C. P. R.	Attempted to get off moving train.		1
2840	" 10.	Near Knight's Siding, Ont.	C. P. R.	Evidently fell off military train.		1
2844	May 30.	Stratford Yard, Ont.	G. T. R.	Shaker bar fell off engine.		1
2845	June 5.	Tamworth, Ont.	B. of O.	Attempted to board moving train.		1
2846	May 31.	Brantford, Ont.	G. T. R.	Injured by torpedo exploding.		1
2847	June 5.	Hochelaga Cattle Yard	C. P. R.	Fell off top of car.		1
2848	May 27.	Buckskin	C. P. R.	Attempted to board train in motion.		1
2849	" 26.	Copernum, B. C.	C. P. R.	Supposed to have fallen off moving train.		1
2850	June 11.	Mileage 118, Boundary subli- vision	C. P. R.	Mo'or car struck by train.		2
2853	May 31.	Smith's Falls, Ont.	C. P. R.	Caught between tender steps side of turn table.		1
2855	June 21.	Sweteburg, Ont.	C. P. R.	Fell while getting off train.		1
2856	" 20.	Lawson Yard, Ont.	P. M. R.	Had foot caught between tracks while switching cars.		1
2857	" 26.	Poigan, Alta., 2 miles east.	C. P. R.	Fell between cars while unloading logs.		1
2858	" 10.	Macdonald Yard, Alta.	C. P. R.	Supposed to have been under car repairing same.		5
2862	" 15.	Montreal, Place Viger Depot	C. P. R.	Car ran through station waiting room.		1
2865	" 28.	North Toronto, Ont.	C. P. R.	Walking on track and was struck by train.		1
2866	May 28.	Emerson Under Pit.	C. N. R.	Run down in yard by moving engine.		1
2869	" 19.	Calgary Yard, Alta.	C. P. R.	Run over by train.		1
2870	" 23.	Calgary, Alta.	C. P. R.	Presumed that he struck his head against a car while switching.		1
2871	June 4.	Minnedosa, Man., bridge east of	C. P. R.	Jumped from car to engine and fell.		1
2872	" 7.	Brandon Yard, Man.	C. P. R.	Slipped while stepping from ledgerwood to plough, and was run over.		1
2874	May 29.	Wilkie, Sask.	C. P. R.	Found beside track.		1
1875	June 4.	Manico, Ont.	G. T. R.	Slipped off engine while lighting head light.		1
1876	" 7.	Just west of Cobourg, Ont.	C. N. O.	Struck head on backboard of cab.		1
2879	May 29.	Stevensville, Ont.	G. T. R.	Standing on step of engine and was injured by cars standing too far out in siding.		1
2880	June 24.	Lanwood, Ont.	C. P. R.	Crushed between cars.		1

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2983	April 22	Erangford, Ont.	G.T.R.	Slipped off top of car	1
2984	May 28	Windsor Yard, Ont.	M.C.R.	Engine derailed	1
2985	" 26	Sincoo 19th District, Ont.	G.T.R.	Uncoupling cars	1
2986	" 26	Edmonton Extn. Track, Alta.	G.T.R.	Caught while adjusting couplers	1
2987	June 18	St. Roumald, Que.	G.T.R.	Standing on top of car and was struck by overhead bridge	1
2988	" 13	St. Therese, Que.	C.P.R.	Jumped off moving train backward	1
2989	" 25	Vernmont, Ont.	T.H. & B.	Getting into car when grab iron pulled loose	1
2990	" 25	Hamilton, Ont.	G.T.R.	Jumping off and on train and fell under cars	1
2991	" 25	Toronto, Ont.	G.T.R.	Fell off platform of car	1
2992	" 28	Portneuf	C.P.R.	Fell between cars	1
2993	" 30	Nesterville, Ont.	C.P.R.	While switching at Mill caught load on plank	1
2994	July 7	2 miles west of Trenholme	C.P.R.	Evidently fell off train	1
2995	" 2	Near Barbidge	C.P.R.	Hand car was struck by train	1
2996	" 2	200 feet west of Westmont.	C.P.R.	Grown sheet of engine dropped down	1
2997	June 20	Berthier Jet., Que.	C.P.R.	Reversing lever of engine went down in corner	1
2998	" 6	Hochelega Yard, Que.	C.T.R.	Fell off foot board of engine	1
2999	" 14	Field, B.C.	C.P.R.	Coaling engine and was buried in coal	1
3000	" 5	Port Hope, Ont.	G.T.R.	Found lying on track	1
3001	" 3	Toronto, Ont.	G.T.R.	When cars came together party was knocked down by a horse which was in the car	1
3002	" 14	Bramford, Ont.	G.T.R.	Caught between cars while coupling	1
3003	April 12	Burlington, Ont.	C.P.R.	Jumped from moving engine	1
3004	July 11	Godolph Jet., Ont.	C.P.R.	Fell under car while switching	1
3005	" 15	M.P. 28, near St. Aspley, Que.	C.P.R.	Hand car struck by train	1
3006	" 14	M.P. 34 1/2, near Christie, Ont.	C.P.R.	Knocked down by a truck which had been struck by a projection from car	2
3007	" 10	Edmonton Depot, Alta.	G.T.R.	Walking on track and was struck by train	1
3008	June 16	Toronto, near Logan Avenue	G.T.R.	Walking on track and was struck by train	1
3009	" 13	Niagara on the Lake, Ont.	M.C.R.	Run down in yard by moving engine	1
3010	May 10	Ripley Yard, Ont.	G.T.R.	Struck by overhead bridge	1
3011	July 14	Between Pickering and Whitby Jet.	G.T.R.	Standing between wagon and car and was caught	1
3012	May 29	St. Catharines, Ont.	G.T.R.	Attempted to board moving engine	1
3013	June 19	Prince Albert Yard on Wye	G.T.R.	Standing on top of car and was caught by freight shed roof	1
3014	" 28	Wynyard, Sask.	G.T.R.	Scalded while working on engine	1
3015	" 18	Humbolt, Sask.	C.P.R.	Caught between cars	1
3016	" 10	McAdam Jet.	C.P.R.	Fell off moving train	1
3017	Aug. 3	Hochelega, Que.	C.P.R.	Crushed between cars	1
3018	July 23	Prasides, 3 poles west	C.P.R.	Caught between cars while coupling	1
3019	" 27	Reufrew, Ont.	C.P.R.	Fell off top of car	1
3020	June 19	Fredricton, N.B.	C.N.R.	Knocked off top of car	1
3021	July 10	Saskatoon Yard, Sask.	C.P.R.	Struck by falling tank	1
3022	" 21	Winnipeg, Man.	C.N.R.	Crossing track at station and was struck by moving train	1
3023	" 8	Longue Point Yard	P.M.R.	Hand caught while coupling cars	1
3024	June 27	St. Thomas, Ont.	C.P.R.	Foot caught under wheel of moving car	1
3025	July 26	Godolph Jet., Ont.	G.T.R.	Caught between van and coal car	1
3026	May 30	Hanover, Ont.	G.T.R.	Walking on track struck by train	1
3027	July 1	Fort Erie, Ont.	G.T.R.		
3028	" 4	London East Yard	C.P.R.		
3029	" 26	Woodstock Yard	G.T.R.		
3030	" 25	Preston, 1/2 mile north	G.T.R.		

STATEMENT No. 10—Showing various other Accidents attended by Personal Injury Investigated during Year ended March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.	Aug. 16.	Mileage 2, Prescott Sub.	C. P. R.	Draw bridge open and hand car went into canal	1	
2970	" 8.	Woodstock, Ont.	G. T. R.	Stepped off moving train		
2971	" 15.	Mimico Yard.	G. T. R.	Jumped off moving caboose		
2972	" 8.	Sherks.	G. T. R.	While on top of car was struck by wire		
2973	" 16.	Lakefield Yard, Longue Point.	C. N. R.	Knocked off top of car by trolley wire		
2974	" 10.	Belleville, Ont.	G. T. R.	Fell into coal chute		
2977	July 28.	Hector, B. C.	C. P. R.	Caught between tender and car	1	
2978	" 31.	Napanee, Ont.	G. T. R.	Fell off moving engine while switching		
2979	June 26.	Fort William near Empire ave.	G. T. R.	Caught between cars when lifting apron	1	
2981	" 16.	Horne-Pit, Ont.	C. P. R.	When engine struck car apron fell on party		
2982	July 21.	Lancaster.	C. P. R.	Caught between tender of engine and platform		
2984	Aug. 13.	Hochelaga, Que., No. 4 siding	G. T. R.	Arm caught in side ladder of car		
2985	Aug. 23.	Pt. St. Charles, Que.	G. T. R.	Caught between engine and tender		
2986	July 28.	Coteau Jet, Que.	G. T. R.	Foot caught in rail while turning switch		
2987	" 8.	Coteau Jet, Que.	G. T. R.	Fell when alighting from train		
2988	June 3.	Beauharnois, Que.	St. L. & N.	Scalded by sprinkler hose uncoupling		
2989	Aug. 20.	Lanoraie.	C. P. R.	Caught while coupling cars	1	
2990	July 22.	Turcot Yard, Que.	G. T. P.	Fell under car while coupling same to others		
2992	" 7.	Winnipeg Terminals Yard	W. J. T.			
2997	" 30.	Mile 45, east of Prince Rupert, B. C.	G. T. R.	Caught while hanging on side of car		
2998	June 28.	Clatham, Ont.	P. M. R.	Fell when cars coupled together		
3000	Aug. 8.	London, Ont.	G. T. R.	Was knocked down when cars coupled		
3002	" 11.	Edmonton, Alta., Main line	C. N. R.	Fell while getting on moving engine		
3003	" 5.	Hastings, Ont.	G. T. R.	Caught between back of tender and water spout		
3004	Sept. 4.	Mileage 31, near Kendryas, Ont.	C. P. R.	Hand car struck by train	1	
3005	Aug. 21.	West of Moberly, B. C.	C. P. R.	Engine crown sheet dropped		
3006	" 29.	Rivers, Man.	G. T. P.	Engine went over end of coal chute	1	
3008	June 23.	Minnedosa, Man.	C. P. R.	Fell off moving train		
3009	" 20.	M. P. 17 near Patter, Sask.	G. T. P.	Scalded by steam from engine		
3010	July 10.	Estevan Yard.	C. P. R.	Fell from top of car		
3011	Sept. 5.	Prescott, Ont.	G. T. R.	Run down in yard by train		
3012	" 3.	Colton, Alta.	C. N. R.	Squirt hose of engine blew off		
3015	Aug. 19.	Hamilton, Ont.	G. T. R.	Caught between cars while coupling		
3016	July 23.	Hamilton, Ont.	G. T. R.	Finger caught between release lever and buffer plate of car		
3017	May 8.	Fries Pt, Sask.	T. H. & B.	Repairing cars on repair track and was run over	1	
3018	July 15.	C. P. R. Diamond at Paddington	C. P. R.	Caught while crossing between car		
3019	" 9.	Victoria Plains, near Regina, Sask.	G. T. P.	Train started while party was underneath		

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3023	"	8	Ottawa, near Le Breton street	G. T. R.	Found on track evidently fell off train	1
3024	Aug. 26	"	Buckingham Jct. Yard, Que.	C. P. R.	Fell between cars and was run over	1
3025	Sept. 17	"	Key Harbour Dock	C. N. R.	Caught between bucket of hoist and car	1
3026	July 24	"	South Indian, Ont.	G. T. R.	Slipped off engine and fell between train and platform	1
3028	Sept. 4	"	Galt, Ont.	G. T. R.	Caught while in between cars	1
3029	Aug. 30	"	Galt, Ont.	G. T. R.	While turning switch was run down by train	1
3030	Sept. 9	"	Walkerville, Ont.	G. T. R.	Struck by wire while on top of car	1
3031	Aug. 18	"	Guelph Jct., Ont.	G. T. R.	Fell when cars coupled together	1
3035	"	"	Mileage 61 1/2, near Russell, Ont.	C. P. R.	Fell in front of moving car	1
3036	June 22	"	13 miles west of M.P. 262, Sask.	C. N. R.	Engine and tender turned over	1
3037	Sept. 1	"	West Toronto, Ont.	G. T. R.	Caught while repairing draw bar	1
3038	Aug. 28	"	Winnipeg, ship tra k.	C. N. R.	Skidded while trying to open blow off cock	1
3039	July 24	"	Winnipeg, Sask.	C. N. R.	Jumped off moving train	1
3040	"	"	Guelph Jct. Ont.	G. T. R.	Fell between cars	1
3041	"	"	La Riviere, Man.	G. T. R.	Attempted to board moving train	1
3042	Sept. 11	"	Hamilton, Gravelly Co., Leud	T. H. & B.	Caught by wire while on top of car	1
3043	"	"	Sorting yard, Que.	C. P. R.	Caught between side of car and switch stand	1
3045	"	"	Becombesfield, Que.	C. P. R.	Fell off coach in front of approaching train	1
3046	"	"	St. Henri yard, Que.	C. P. R.	Apparently fell off moving car while switching	1
3051	"	"	West Toronto, Ont.	G. T. R.	Fell from top of car and was run over	1
3052	Aug. 7	"	Still Creek, B.C., passing track.	V. V. & E.	Cars collided	1
3053	July 31	"	Comitlam, B. C.	C. P. R.	Attempted to jump off engine and was run over	1
3055	Aug. 5	"	Harrison Mills, B.C.	C. P. R.	Jumped from train while in motion	1
3056	Sept. 8	"	Fort Frances, Man., 10 ft. w. of station	C. N. R.	Run over by engine	1
3059	"	"	8th dist. yard, Belleville, Ont.	G. T. R.	Caught while coupling engine to car.	1
3061	"	"	G. T. P. Junction, Man.	G. T. P.	Thrown from car switching	1
3062	"	"	Pt. St. Charles, Que.	G. T. R.	Slipped from car and fell underneath	1
3063	"	"	Glen yard, Montreal, Que.	C. P. R.	While testing fire extinguisher, cap blow off.	1
3064	Sept. 8	"	West Toronto, Ont.	C. P. R.	Foot caught in foot plate on coach	1
3065	June 6	"	Cartier Yard, Que.	C. P. R.	Caught between two cars trying to uncouple them	1
3066	Aug. 28	"	Port Arthur, Ont.	C. P. R.	Finger caught while repairing deadwood of car	1
3068	Sept. 27	"	Bury, Que.	C. P. R.	Fell off car when cars came together	1
3069	July 19	"	M. P. 55, near Orr's Lake, Ont.	C. P. R.	Jumped from engine when he saw collision was eminent	1
3070	Sept. 3	"	Montreal, Glen Yard.	C. P. R.	Working under car and was knocked down	1
3072	Oct. 2	"	Nugenta Ballast Pit	C. N. O.	Adjusting brake chain and fell under car.	1
3073	Aug. 28	"	Trenton, Ont.	C. N. O.	Caught between car and bucket of hoist.	1
3075	"	"	Hamilton, Ont.	G. T. R.	Slipped off top of car.	1
3079	June 26	"	Athabasca Station Platform	C. N. R.	Hanging on side of car and bud foot caught in platform	1
3081	Oct. 3	"	St. Jerome, Que.	C. P. R.	Thrown off top of car	1
3082	Aug. 30	"	Toront. Coach Yard	G. T. R.	Run down in yard by moving engine	1
3087	"	"	Athabasca	G. T. R.	Riding on engine when foot caught in platform	1
3089	"	"	Edmonton Yard	C. N. R.	Timber rolled off car	1
3091	"	"	Innisfree, Alta.	C. N. R.	Moving cars struck boarding car and party was knocked down	1
3092	Sept. 27	"	Montreal Turcot Yard	G. T. R.	While inspecting cars had head caught between two cars.	1
3097	July 4	"	Montreal Place Viger Station	C. P. R.	Crushed between engine and cars	1
3098	Mar. 27	"	Glenworth, Ont.	P. M. R.	Riding on side of car, struck by telegraph pole	1
3099	Sept. 7	"	Blenheim, Ont.	P. M. R.	Caught while coupling cars	1
3100	"	"	Woodstock, Ont.	G. T. R.	Caught between cars while coupling	1

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STATEMENT No. 10.— Showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
3104	Oct. 7.	St. Thomas Yard, Ont.	M.C.R.	Crushed under car while repairing same.		1
3108	" 10	Hamilton, West end of Tunnel.	T.H. & B.	Overcome by gas fumes while in tunnel.		1
3109	" 10	Waterford Roundhouse.	T.H. & B.	Fell into ash pit.		1
3110	Aug. 4.	Hamilton, Aberdeen Yard Bridge.	T.H. & B.	Hanging on side of car and was struck by bridge.		1
3111	Oct. 1.	Saskatoon, Sask.	C.N.R.	Fell off top of box car.		1
3112	Sept. 16.	" "	C.N.R.	Caught while coupling cars.		1
3115	" 7.	Red Pass, B.C.	G.T.P.	Thrown off car of ties.		1
3116	Aug. 18.	Biggar Yard, Sask.	G.T.P.	Caught between coach and caboose.		1
3117	" 19.	Regina Yard, Sask.	G.T.P.	Foot caught between drawbars.		1
3119	Sept. 21.	Winnipeg, Man.	C.P.R.	Foot caught in guard rail and was run over.		1
3121	" 27.	Montreal, Windsor Station.	St.L. & A.	Attempted to board moving train.		1
3122	Oct. 24.	Cote St. Paul, Que.	C.P.R.	Run down in yard by moving engine.		1
3123	" 25.	Grand Mere, Que.	C.N.Q.	Train parted and collided.		2
3124	" 17.	Montreal, Bonaventure Station.	G.T.R.	Caught between moving cars.	1	
3126	Sept. 6.	Silverdale, Ont.	T.H. & B.	While staking cars, stake broke.		1
3127	" 14.	Georgetown, Ont.	G.T.R.	Caught between drawbars.		1
3128	Oct. 24.	East end north yard Aberdeen, Hamilton.	T.H. & B.	Attempted to board moving engine.		1
3132	" 18.	Marshville, Ont.	G.T.R.	Burnt by flames from blower of engine.		1
3133	Aug. 27.	North Yard, Edmonton, Alta.	G.T.P.	Caught by switch and thrown under ath engine.	1	
3134	Oct. 18.	Chatham, Ont.	P.M.R.	Fell across rail while examining headlight.		1
3137	Sept. 11.	Brantford Yard, Ont.	G.T.R.	Caught while trying to couple cars.		1
3139	" 16.	Acton West, Ont.	G.T.R.	Fell from side of moving car.		1
3140	Nov. 1.	Schreiber Yard, Ont.	C.P.R.	Had head caught while leaning out of cab.	1	
3141	Oct. 11.	North Switch, Pt. au Baril.	C.P.R.	Run down in yard by moving cars.	1	
3142	Sept. 30.	Algoma, Ont.	C.P.R.	Caught between apron of car and post.		1
3145	Nov. 1.	Stratford Coal Chutes, Ont.	G.T.R.	Caught between cab of engine and coal chute.		1
3146	Oct. 30.	Valleyfield, Que.	St.L. & A.	Stumbled over steps at rear of station.		1
3147	" 29.	Glen Robertson, Ont.	G.T.R.	Slipped.		1
3148	" 8.	Valleyfield, Que.	St.L. & A.	Leaving hay from wagon into car and was thrown from wagon when horses bolted.		1
3149	" 28.	Sto. Justine, Que.	G.T.R.	Caught by shaker bar of engine.		1
3150	July 9.	Beauharnois, Que.	St.L. & A.	Jumped from car to platform of station.		1
3151	Oct. 7.	Cornwall, Ont.	G.T.R.	Fell from top of box car.		1
3154	Nov. 5.	Chatham, Ont.	P.M.R.	Freight car was shunted into car under which party was working.		1

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3156	Sept. 24	Kindersley Roundhouse.	C.N.R.	Fell from engine	
3158	Nov. 10	Lorette, Que.	C.P.R.	Jumped off moving train	
3159	Sept. 30	Kanook Yard	C.N.R.	Caboose struck by moving car	
3160	Oct. 26	M.P. 733, Water tank, Edmonton, S.D.	C.N.R.	Foot caught between cattle guards.	
3162	Sept. 14	Golden, B.C.	C.P.R.	Fell from engine	
3163	Aug. 14	East end of Yard, Higgan, Sask.	G.T.P.	Caught between cars while coupling same.	
3172	Oct. 15	Fort Arthur Yard, Ont.	C.N.R.	Fell from foot board of engine	1
3173	Oct. 10	Edmonton, Alta.	G.T.P.	Head came in contact with post while switching	
3174	Oct. 17	2 miles east of Ashton, Ont.	C.P.R.	While sprinkling coal, sprinkling hose came off nipple.	
3178	Nov. 15	Welland, Ont.	M.C.R.	Tripped and fell underneath moving car.	
3180	Oct. 23	Uppsala, Ont.	C.P.R.	Caught while coupling engine to car.	
3182	Nov. 7	Mission, Westford, Ont.	G.T.P.	Fell out of cab window.	
3185	Nov. 12	Three Rivers, Que.	C.P.R.	Slipped and fell between cars.	
3186	Nov. 3	Asht Pit, Edmonton, Alta.	C.N.R.	Stumbled and fell into pit.	
3187	Dec. 26	Rainy River, Ont.	C.N.R.	Hand caught between reverse lever and ratchet of engine	
3188	Nov. 4	Sunnyvale, Ont.	G.T.P.	While leaning out of engine had head caught by ladder.	
3193	Nov. 10	Mileage 31, Megantiae Sub.	C.P.R.	Engine collided with cars	
3194	Oct. 6	Stinesco, Ont.	G.T.R.	Was riding car when it struck another one.	
3195	Nov. 17	Kenora Yard	C.P.R.	Attempted to board moving engine.	
3196	Nov. 13	Lyster, Que.	G.T.R.	Fell between coach and platform.	1
3197	July 8	Brooklyn, N.B.	N.B.&P.E.I.	Attempted to get on moving engine.	
3198	Oct. 26	Toronto Passenger Yard, Ont.	G.T.R.	Cars collided in yard	
3202	Nov. 24	Millwood, Man.	G.T.R.	Crushed between drawbars	1
3203	Nov. 20	Warrington, Ont.	C.P.R.	While leaning out of cab window, head caught in coal chute.	
3206	Oct. 7	Dan Yard, Toronto, Ont.	G.T.R.	Knocked off car by telegraph pole	
3209	Mar. 11	Berwick, Ont.	St. L. & A.	While leaning out of cab window had head caught by roof of car.	
3210	Nov. 6	Fort Erie Yard, Ont.	G.T.R.	Attempted to jump off moving engine	
3211	Nov. 5	Winnipeg, Man.	C.N.R.	Head caught between buffer beams of car	
3213	Oct. 28	Woodstock, Ont.	G.T.R.	Was caught and knocked off tender.	
3215	Nov. 30	West Toronto Yard, Ont.	C.P.R.	Squirt hose of engine blew off.	
3216	Dec. 2	Prince Albert Yard, Sask.	C.N.R.	Crushed between cars.	1
3217	Nov. 27	Lambton Yard	C.P.R.	Caught while coupling cars.	
3219	Nov. 23	Saskatoon, Sask.	C.N.R.	Body found on truck	1
3221	Nov. 14	Hamilton, Ont.	C.N.R.	Squirt hose of engine blew off.	
3222	Nov. 4	Chiptank Tank	C.N.R.	Fell from train.	
3224	Nov. 27	Mileage 89, London Sub.	C.P.R.	Hand caught between brake handle and block.	
3225	Nov. 6	Owen Sound, Ont.	G.T.R.	Apparently thrown down in car while switching and was trampled by stock in car.	1
3226	Nov. 4	North Regina Yard, Sask.	G.T.P.	Head caught between car of engine and pole.	
3227	Nov. 13	Regina, Sask.	C.N.R.	Hand caught between drawbars.	
3229	Dec. 4	Toronto, Montreal, Que.	G.T.R.	Jumped from moving engine	
3230	Sept. 20	Between M.P. 91 and 92.	G.T.P.	Knocked off side of car	
3231	Nov. 2	Welland Yard, Ont.	M.C.R.	Run over during switching movements.	
3232	Nov. 28	Shuckleton, Alta.	C.P.R.	Steam pipe to injector pulled out.	1
3236	Nov. 27	Montrose Yard, Ont.	M.C.R.	Crown sheet of engine dropped.	
3237	Dec. 23	Milepost 1209 West of Winnipeg	G.T.P.	Fell from side of box car.	
3238	Oct. 29	West Toronto Yard	C.P.R.	Fell over some ties in yard.	
3239	Dec. 8	Big Valley	C.N.R.	Caught while getting down from side of car.	
3242	Dec. 20	Hull, Que.	C.P.R.		

STATEMENT No. 10.—Showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
3243	Nov. 27	Turoot Coal chutes, Montreal, Que.	G.T.R.	Fell off cab roof of engine.		1
3246	Nov. 22	Wilson, Alta.	C.P.R.	Crushed between cars while switching.		1
3249	Dec. 18	1 mile east of Napanee, Ont.	G.T.R.	Fell from top of car while train was moving.		1
3250	Dec. 28	Saskatoon, Sask.	C.N.R.	Burnt by gas catching fire.		1
3251	Dec. 26	Humbolt, Sask., Coal dock	C.N.R.	Caught by coal chute.		1
3252	Nov. 20	Biggar, Sask.	G.T.P.	Foot caught between couplers.		1
3254	Nov. 30	4 poles east of Pumas station.	C.N.R.	Evidently fell from top of box car.		1
3255	Dec. 21	Welland Jet., Ont.	G.T.R.	Fell off engine.		1
3256	Jan. 3	Hamilton Yard, Ont.	G.T.R.	Caught between cars while coupling.		1
3258	Nov. 15	High line Trestle, Winnipeg	W.J.T.	Water glass in engine burst.		1
3260	Dec. 26	Rufus, Sask.	C.P.R.	Was struck by some unknown object as his train was passing another train.		1
3261	Nov. 7	Tiny	C.N.R.	Squirt hose blew off injector pipe.		1
3264	Nov. 21	Rogers Pass, B.C.	C.P.R.	Fell into catch pit in boiler room.		1
3266	Jan. 1	Shawinigan Junction, Que.	C.N.Q.	Jammed between cab of engine and coal chute.		1
3271	Dec. 27	Near Palmerston, Ont.	G.T.R.	Knocked off caloose into ditch.		1
3274	Oct. 22	New Hazelton Yard, B.C.	G.T.F.	Fell under cars while making coupling.		1
3275	Dec. 3	Winnipeg, L. 4 K. Yard	C.N.R.	Fell off top of car.		1
3276	" 2	Brookville, Ont.	G.T.R.	Caught while making coupling.		1
3277	" 29	Reserve, Ont.	C.P.R.	Slipped off top of car.		1
3278	" 31	Golden, B.C.	C.P.R.	Stepped in between cars and was crushed.		1
3281	" 23	Lacombe, Alta.	C.P.R.	Slipped and fell under wheels of car.		1
3283	" 9	Fort William, Ont.	C.P.R.	Jumped off moving engine and was run over.		1
3274	Nov. 21	Arcola, Man.	C.P.R.	Crushed between cars while switching.		1
3285	Jan. 21	Trenton, Ont.	C.N.O.	Caught while coupling cars.		1
3286	Dec. 28	Big Valley Yard, Alta.	C.N.O.	Thrown down when cars coupled together.		1
3290	Jan. 8	Huntingdon, Que.	G.T.R.	Fell off moving car.		1
3292	Dec. 30	Bay Shore	C.P.R.	Hand caught while making coupling.		1
3293	" 18	Farnham Yard, Que.	C.P.R.	Attempted to board moving engine.		1
3294	Jan. 21	1 mile east, Que.	C.P.R.	Fell off footboard of engine.		1
3295	Dec. 22	Winnipeg, Ft. Rouge Yard, Man.	C.P.R.			1
3296	Nov. 4	Roblin Side Track	C.N.R.	Caught between cars while making coupling.		1
3298	" 9	1 mile 10, Peace River branch	C.N.R.	Cars collided in yard.		1
3299	" 4	Stathcona, Alta.	C.P.R.	Evidently fell of train and was run over.		1
3300	Sept. 12	Red Pass, B.C.	G.T.P.	Run down in yard by moving engine.		1
3304	Jan. 21	Kingston, Ont.	G.T.R.	Thrown off car by falling poles.		1
				Train ran in to stopping block.		21

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STATEMENT No. 11.—Recapitulation of Accidents Investigated.

	Number of investiga- tions.	Killed.	Injured.
Statement showing collisions attended by personal injury investigated during year ending March 31, 1914	81	37	214
Statement showing derailments attended by personal injury investigated during year ending March 31, 1914	64	34	252
Statement showing highway crossing accidents attended by personal injury investigated during year ending March 31, 1914	136	61	121
Statement showing various other accidents attended by personal injury investigated during year ending March 31, 1914	433	106	351
Total	714	238	938

STATEMENT No. 12.—Showing Highway Crossing Accidents by Provinces.

Name of Railway.	Ontario.	Quebec.	New Brunswick.	Nova Scotia.	Manitoba.	British Columbia.	Saskatchewan.	Alberta.	Yukon.	Total.
Canadian Pacific	15	16			5	1	1			38
Grand Trunk	48	23								71
Michigan Central	6									6
Canadian Northern	2				1		3	1		7
Niagara, St. Catharines & Toronto	1									1
Père Marquette	3									3
Canadian Northern, Quebec		1								1
Dominion Atlantic				1						1
Vancouver, Victoria & Eastern					1					1
Main Central		1								1
St. Lawrence & Adirondack		1								1
Toronto, Hamilton & Buffalo	1									1
Windsor, Essex & Lake Shore	1									1
Wabash	1									1
Winnipeg Joint Terminals					4					4
Grand Trunk Pacific								2		2
Esquimalt & Nanaimo						1				1
	78	42		1	10	3	4	3		141

NOTE:—In the above mentioned accidents there were 61 people killed and 115 injured, as set out in detail in Statement No. 2.

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STATEMENT No. 13.—Showing Inspections of Highway Crossings at which Accidents happened attended by Personal Injury during year ending March 31, 1914.

File.	Place.	Railway.
Inv.		
2672	Port Hope, John street.....	G.T.R.
2673	Port Hope, Barrett street.....	G.T.R.
2679	Peterboro, Simcoe street.....	G.T.R.
2687	Pt. St. Charles, Hibernia street.....	G.T.R.
2719	Montreal, Guy street.....	G.T.R.
2721	Montreal, Versailles street.....	G.T.R.
2722	Pt. Du Lac, crossing 3 miles west.....	C.P.R.
2723	Mount Forest, Queen street.....	G.T.R.
2724	London, Waterloo street.....	G.T.R.
2725	Davidson, road crossing.....	C.N.R.
2731	Merrickville, first public crossing.....	C.P.R.
2732	St. Boniface, Archibald street.....	W.J.T.
2750	London, Burwell street.....	G.T.R.
2751	London, Burwell street.....	G.T.R.
2752	Woodstock, Wilson street.....	G.T.R.
2757	London, Talbot street.....	G.T.R.
2761	Cap St. Martin, public crossing.....	C.P.R.
2762	Berthier Junction, public crossing east.....	C.P.R.
2766	Deville, 2nd road crossing west.....	G.T.R.
2778	Aurora, Wellington street.....	G.T.R.
2803	Hamilton, Bailey street.....	T.H. & B.
2816	Maxville, first crossing east.....	G.T.R.
2822	Hochelaga, Cuvillier street.....	C.N.Q.
2829	Montreal, Fulford street.....	G.T.R.
2832	Foxboro, crossing 2 miles east.....	G.T.R.
2851	Mileage 22.79 crossing near St. Martins Jct.....	C.P.R.
2852	St. Madeline, crossing east of.....	G.T.R.
2863	Montreal, Papineau road.....	C.P.R.
2864	Montreal, Mountain street.....	G.T.R.
2866	Montreal, Decourcelles street.....	G.T.R.
2878	Niagara Falls, Huron street.....	M.C.R.
2881	Burlington Jct., Brant street.....	C.P.R.
2882	St. Thomas, Moore street.....	M.C.R.
2901	Sandwich, crossing east of.....	W.E. & L.
2922	Guelph Jct., Edinburgh street.....	G.T.R.
2934	Burlington Jct., Brant House crossing.....	G.T.R.
2938	Vancouver Island, McKinnon crossing.....	E. & N.
2941	St. Johns, St. John street.....	C.P.R.
2943	Cobourg, University avenue.....	G.T.R.
2946	Glen Robertson.....	G.T.R.
2948	Masson, crossing west.....	C.P.R.
2950	Havelock, Concession street.....	C.P.R.
2953	Wolverton, road between lots 9 and 10.....	C.P.R.
2954	Colborne, first crossing $\frac{1}{2}$ miles west.....	G.T.R.
2955	Cobourg, Ontario street.....	C.N.O.
2956	Port Dover, St. Patrick street.....	G.T.R.
2960	Moffatt, First public crossing west.....	C.P.R.
2961	Clarkson, first crossing east.....	G.T.R.
2962	London, William street.....	G.T.R.
2963	Stoney Point, Tecumseh road.....	G.T.R.
2965	Welland, Muir street.....	M.C.R.
2975	Townsend, public crossing east.....	M.C.R.
2993	Montreal, Rose de Lina street.....	G.T.R.
2994	Lachine, Tenth avenue.....	G.T.R.
2996	Maricapolis, St. Paul street.....	C.N.R.
2999	Scarboro, Danforth avenue.....	C.P.R.
3001	Wyoming, crossing 1 mile east.....	G.T.R.
3007	Winnipeg, Godfrey avenue.....	C.P.R.
3013	Hastings, first crossing.....	G.T.R.
3027	Montreal, Colborne street.....	G.T.R.
3030	St. Justine, crossing west of station.....	G.T.R.
3047	Britannia, first crossing east.....	C.P.R.
3048	Little St. Martin, first crossing west.....	C.P.R.
3049	Montreal, St. Laurent crossing.....	G.T.R.
3050	St. Martin, Côte du Sud crossing.....	C.P.R.
3074	Port Colborne, Bush street.....	G.T.R.
3093	St. Hilaire, first crossing west.....	G.T.R.
3094	St. Hubert, public crossing west.....	G.T.R.
3095	Sherbrooke, Alexander street.....	C.P.R.

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STATEMENT NO. 13.—Showing Inspections of Highway Crossings at which Accidents happened attended by Personal Injury during year ending March 31, 1914—
Continued.

File.	Place.	Railway.
Inv.		
3096	Farnham, Main street.	C.P.R.
3101	Chatham, Diamond crossing.	G.T.R.
3102	Renwick, public road south.	P.M.R.
3103	Buxton, road 200 feet west of station.	M.C.R.
3113	Souris, First avenue crossing.	C.P.R.
3120	Hamilton, Ottawa street.	G.T.R.
3125	Quebec, Cosford street, St. Roch.	C.P.R.
3129	Edmonton, Namayo avenue.	C.N.R.
3130	Lime Ridge, crossing east.	M.C.R.
3131	Alfred, crossing at M. P. 27.	C.P.R.
3136	London, William street.	G.T.R.
3138	Sudbury, Elm street.	C.P.R.
3143	Pushinch, crossing at M. P. 410.	C.P.R.
3161	Durham, public crossing west.	C.P.R.
3163	Winnipeg, Main street.	C.N.R.
3169	Three Rivers, Bonaventure street.	C.P.R.
3170	Pine-wood, crossing between lots 5 and 6.	C.N.R.
3171	Brampton, Queen street.	C.P.R.
3175	Walkerville, crossing 2 miles east.	G.T.R.
3179	Toronto, Cherry street.	C.P.R.
3181	Brunner, public crossing east.	G.T.R.
3184	Hull, C.P.R. road crossing.	C.P.R.
3192	Alliston, first public crossing south.	C.P.R.
3199	Lorne Park.	G.T.R.
3200	Glencolin.	G.T.R.
3204	Montreal, St. Ambrose street.	G.T.R.
3205	Montreal, Hibernian road crossing.	G.T.R.
3207	Elmvale, crossing 1st mile south.	G.T.R.
3212	Rainy River, Little street.	C.N.R.
3233	Edmonton, William street.	G.T.P.
3225	Sheho, first crossing east.	C.P.R.
3234	Toronto, Bloor street.	G.T.R.
3244	Boucherville, Chemin du Lac crossing.	Q.M. & S.
3247	Keewatin street crossing, Winnipeg.	C.P.R.
3257	St. Thomas, Centre street.	P.M.R.
3265	Pt. St. Charles, Charlevoix street.	G.T.R.
3267	South Durham, St. Laurent street.	G.T.R.
3268	Fort Coulonge, Boon street.	C.P.R.
3282	Toronto, Trinity street.	C.P.R.
3288	Montreal, Atwater avenue.	C.P.R.
3297	South Indian, boundary road.	G.T.R.
3301	Thorndale, Main street.	G.T.R.
3302	St. elton, North street.	C.P.R.
3307	Armilla, east mile 4 75.	C.P.R.
3308	Chatham, crossing 2½ miles north.	G.T.R.
3313	Sapperton, Brunette street.	V.V. & E.
3315	Saskatoon, Thirty third street.	C.N.R.
3316	Georgetown, Goodwilles crossing.	G.T.R.
3319	London, Colborne street.	G.T.R.
3320	Wallaceburg, Wallace street.	P.M.R.
3323	Edmundston, Temiscouata street.	G.T.R.
3326	Toronto, Arnotts Crossing, Esplanade.	G.T.R.
3329	Carlsbad Springs, second crossing east.	G.T.R.
3336	Montreal, St. Remi street.	G.T.R.
3337	London, William street.	G.T.R.
3339	Woodstock, Light street.	G.T.R.
3342	St. Boniface, Provencher avenue.	W.J.T.
3346	Quebec, Carillon street.	C.P.R.
2648	Hamilton, corner of James and Hunter streets.	C.P.R.
2812	Montreal, Convent street.	G.T.R.
2939	Green Valley, crossing east.	C.P.R.
3080	Montreal, Chatham street.	G.T.R.
3351	London, Wellington street.	G.T.R.
3354	Sudbury, Elm street.	C.P.R.
3359	Niagara Falls, Bridge street.	G.T.R.
3364	Port Williams, station west of.	D.A.R.

SESSIONAL PAPER No. 20c

STATEMENT No. 14.—Showing Inspection of Highway Crossings Complaind of as being Dangerous and Requiring Protection.

File.	Place.	Railway.
9437 605	Pakenham, Ont., White Lake road	C.P.R.
9437 993	Cobourg, Ont., King street crossing	G.T.R.
9437 998	Cobles, Ont., crossing between Eleusheim and Blandford townships	C.P.R.
9437 1008	Aurora, Ont., Wellington street crossing	G.T.R.
9437 207	Aurora, Ont., Yonge street crossing	G.T.R.
9437 992	Bancroft, Ont., Hastings road	C.O.R.
9437 316	Markdale, crossing west of station	C.P.R.
9437 786	Sharbot Lake, Ont., crossing west of	C.P.R.
9437 108	Peterborough, Ont., Norwood street	C.P.R.
9437 431	Sherkston, Fort Erie and Port Colborne road	G.T.R.
9437 853	Winona station, crossing east of station	G.T.R.
9437 1011	West Hamilton, crossing west of	F.H. & B.
9437 94	West Toronto, Wallace avenue crossing	G.T.R.
9437 371	London, Gray street crossing	P.M.R.
9437 1093	Shelburne, Ont., Victoria street crossing	C.P.R.
9437 1094	Shelburne, Ont., Main street crossing	C.P.R.
9437 1014	West Hamilton, Emerson street crossing	T.H. & B.
9437 1023	Port Burwell, Ont., crossing 1 mile north	C.P.R.
9437 104	Cooksville, Dundas street crossing	C.P.R.
9437 1020	Embro, Ont., crossing at Lot No. 8	C.P.R.
9437 1030	Embro, Ont., crossing at Lot No. 10	C.P.R.
9437 1031	Embro, Ont., crossing east of	C.P.R.
9437 1064	Elmavale, Ont., crossing 1 mile north	G.T.R.
9437 1101	Hillsburg, Ont., County Road crossing No. 14	C.P.R.
9437 1102	Moorefield, Ont., County Road crossing No. 8	G.T.R.
9437 1107	Central Ontario Junction, crossing east of	C.P.R.
9437 1120	Chatham, Ont., Longwoods Road crossing	P.M.R.
9437 1117	Oso, Ont., crossing south of	C.P.R.
9437 102	Toronto, Woodbine avenue	G.T.R.
9437 797	Peterborough, Ont., King street crossing	G.T.R.
9437 269	Mountain Grove Station, crossing east	C.P.R.
9437 1065	Alliston, Ont., Victoria street	C.P.R.
9437 121	Lachine, Que., 18th street	G.T.R.
9437 1087	Montreal, Longue Point, Des Ormeaux street	C.N.Q.
9437 1067	Montreal, Maisonneuve, Bennett street crossing	C.N.Q.
9437 554	Peterborough, Ont., Kings Road crossing	G.T.R.
9437 1074	Winnipeg, Fort Rouge, Amelia street crossing	G.T.R.
9437 1073	Mortlach, Sask., Government Road crossing	C.P.R.
9437 978	Herbert, Sask., Highway crossing east of	C.P.R.

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STATEMENT No. 15.—Showing Highway Crossings at which Protection Provided, and Nature of Protection, during the Year ending March 31, 1914.

Order No.	Location of Crossing.	Railway.	Nature of Protection.
19178	Hanover station, Highway crossing, east of	G.T.R.	Limitation of Speed.
19215	Tp. of Bertie, Thompson Road	G.T.R.	Subway.
19229	North Toronto, Osler Avenue	C.P.R.	Gates.
19261	Smiths Falls, Chambers Street	C.P.R.	Subway.
19308	Vaudreuil, Lake Shore Road	C.P.R. & G.T.R.	Gates.
19317	Toronto, Bartlett Avenue	C.P.R.	Gates.
19329	Chatham, La Croix Street	C.P.R.	Electric Bell.
19332	Weston, King Street	C.P.R. & G.T.R.	Gates.
19392	Kingston, Perth Road	G.T.R.	Electric Bell.
19430	Station 305-79, Subway Ave., White Rock	G.N.R.	Pedestrian subway.
19500	Herbert, Sask., Government Road	C.P.R.	Tracks to be removed to south side of main line.
19514	Mount Forest, Queen Street	G.T.R.	Limitation of speed.
19528	Sherkston, Fort Erie and Port Colborne Road	G.T.R.	Electric bell.
19549	St. Hilaire, Highway east of Station	G.T.R.	"
19555	Prince Albert, Central Ave. and First Ave.	C.N.R.	Watchman, 6.30 a.m. to 6.30 p.m.
19562	Glen Robertson, Clara Street	G.T.R.	Electric bell.
19564	Port Credit, Hurontario Street	G.T.R.	Watchman.
19566	Fort William, Frederica and Edward Sts.	C.N.R.	Gates. (2)
19568	Scarboro, between lots 2 and 3	C.N.O.	Electric bell.
19573	Sidbury, Kathleen Street	C.N.O.	"
19624	Aurora, Wellington Street	G.T.R.	Limitation of speed.
19625	Thorndale, Main Street	G.T.R.	Electric bell.
19632	Yarker, Bridge Street	C.N.O.	Gates.
19638	St. Boniface, Rue Pluquet St.	C.P.R.	Watchman 7.00 a.m. to 7.00 p.m.
19647	Glen Major	C.P.R.	Electric bell.
19650	6.5 miles west of Ottawa-Chalk River, S.D.	C.P.R.	"
19663	St. Boniface, Montcalm Street	C.P.R.	Gates.
19672	St. Boniface, Archibald Street	W.J.T.	Limitation of speed.
19696	Port Hope, John Street	G.T.R.	Electric bell.
19707	Toronto, Cherry Street	G.T.R.	Extension of watchman's hours from 5.00 p.m. to 7.00 p.m.
19756	Trenton, Sidney Street	C.N.O.	Electric bell.
19762	Toronto, Bartlett Street	C.P.R.	Gates.
19790	Beaconsfield	G.T.R.	Watchman 8.00 a.m. to 7.00 p.m.
19791	Beaconsfield	C.P.R.	"
19824	Medicine Hat, Toronto Street	C.P.R.	Subway.
19830	Port Hope, Barrett Street	G.T.R.	Train movements be flagged.
19831	Cobourg, King Street	G.T.R.	"
19836	Kingsbury, Miller Crossing	C.P.R.	Electric bell.
19837	Kingsbury, River Road	C.P.R.	"
19850	Fort William Road between Fort William and Port Arthur	C.N.R.	"
19887	Chatham, Centre Street	C.P.R.	Gates.
19893	Milverton, Mill Street	G.T.R.	Electric bell.
19895	Stamford, Marsh Winery Road	G.T.R. & M.C.R.	Removal of banks.
19905	Mileage 0.91 from St. Martin's Jet	C.P.R.	Electric bell.
19907	Kingsville, crossing 1½ miles west	P.M.R.	"
19916	Aurora, Yonge Street	G.T.R.	"
20017	Shelburne, Main Street	C.P.R.	"
20140	Milverton, Main Street	C.P.R.	"
20185	Hamilton, Bailey Street	T.H. & B.	Watchman
20191	St. Boniface, Montcalm Street	C.P.R.	Gates.
20348	Mileage, 32.7, Port Burwell Branch, Pt. Burwell Rd.	C.P.R.	Electric bell.
20349	Oshawa, Prospect, Albert, Simcoe and Centre Sts	C.P.R.	Gates. (4)
20371	Guelph, Edinburgh Street	G.T.R.	Watchman, 7.00 a.m. to 7.00 p.m.
20411	Tp. of Haldimand, between lots 16 and 17.	C.P.R.	Electric bell.
20432	Crossing near Mile. 197.7, Tufield-Calgary Branch	G.T.P.	"
20449	Toronto, Wallace Avenue	G.T.R.	Gates.
20514	Between Concessions 8 and 9 Co. of Haldimand	M.C.R.	Electric bell.
20618	Clarkson, east of	G.T.R.	Gates.
20620	Tp. of Toronto, between lots 5 and 6	G.T.R.	Electric bell.

SESSIONAL PAPER No. 20c

STATEMENT No. 15.—Showing Highway Crossings at which Protection Provided, and Nature of Protection during Year ending March 31, 1914—*Continued.*

Order No.	Location of Crossing.	Railway.	Nature of Protection.
20661	Sarnia, south limit	P.M.R.	Electric bell.
20780	Mountain Grove station, east of	C.P.R.	"
20797	Britannia, first crossing east	C.P.R.	"
20803	Between Sec. 23 and 24, Tp. 26, Range 23, W. 3rd Meridian	C.N.R.	"
20845	Mileage 61.87 Tp. of Tyendinaga	C.P.R.	"
20859	Edmonton, Whyte street	C.P.R.	Gates.
20862	Carman, Fournier and Browning avenue	C.N.R.	Limitation of speed. (2)
20874	Edmonton, First street and Nawayo Ave.	G.T.P.	Gates. (2)
20955	Yorkton, Intersection of Broadway, Betts and Assin Ave.	C.P.R.	Watchman, 8.30 a.m. to 8.00 p.m. (3)
20962	Keene, one-half mile west	G.T.R.	Electric bell.
20964	St. Justine, Public road	"	"
21143	Embro, Public highway crossing, mileage 7.5	C.P.R.	"
21144	Embro, Public highway crossing mileage 8.4	"	"
21182	Waterford, First crossing east	M.C.R.	"
21223	Souris, First street	C.P.R.	Gates.
21230	Green Valley, Second crossing east	"	Electric bell.
21235	Hochelaga, Cuvillier street	C.N.Q.	Gates.
11288	Brighton, Prince Edward street	C.P.R.	"
21289	London, William street	G.T.R.	To keep engine or cars 50 ft. away from east side of street
21290	Hastings, first crossing east	"	Watchman, 7.00 a.m. to 8.00 p.m.
21350	Maisonneuve, Bennett avenue	C.N.Q. & M.T.R.	Gates.
21394	Montreal, Atwater avenue	C.P.R.	All train movements to be flagged over crossing.
21409	Chesley, Long street	G.T.R.	Limitation of speed.
21444	Port Moody, Kyle and Queen streets	C.P.R.	Electric bell. (2)
21466	Pakenham, White Lake road	"	"
21486	Lorne Park station	G.T.R.	"
21498	Hillsburg, County Road No. 14.	C.P.R.	"
21507	Toronto, St. Clair avenue	G.T.R.	Gates.
21578	South Indian, first highway crossing west	"	Electric bell.
21594	Niagara Falls, Bridge street	"	All train movements to be flagged over crossing.
21611	Moorefield, County Road No. 8.	"	Electric bell.

RECAPITULATION.

Watchman	12
Electric bell	44
Gates	25
Subway	4
Limitation of speed	7
Train movements be flagged	4
Removal of banks	1
Sidings to be kept clear of cars for certain distances from highway	1
Tracks be moved	1
Total	99

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STATEMENT No. 16—Showing Station Locations approved of during Year ending March 31, 1914.

Name of Station.	Province.	Railway.	Order Number.	File Number.
Amsbury..	British Columbia	G. T. P.	18943	21420
Altreda..	Cariboo Dist.	G. T. P.	19019	21623
Alpland..	Cariboo Dist.	G. T. P.	19010	21635
Ansell..	Alberta	G. T. P.	19234	21786
Anerum..	Saskatchewan	G. T. P.	19272	21888
Ardley..	Alberta	G. T. P.	19366	21887
Argo..	Alberta	G. T. P.	19385	21882
Ardath..	Saskatchewan	C. N. R.	19659	19795
Aneroid..	Saskatchewan	C. P. R.	19821	22668
Alcona..	Ontario	G. T. P.	19820	22506
Assiniboia..	Saskatchewan	C. P. R.	19933	22422
Arnable..	Ontario	C. N. R.	20033	18402-79
Arundel..	Quebec	C. N. O.	20130	21603
Annapolis..	Nova Scotia	D. A. R.	20159	22967
Abbey..	Saskatchewan	C. P. R.	20370	22836
Alice..	Ontario	C. N. O.	20712	3561-192
Asphodel..	Ontario	C. P. R.	21022	20327
Beamont..	Cassiar Dist.	G. T. P.	19010	21640
Bounty..	Saskatchewan	C. P. R.	19186	21839
Bickerdike..	Alberta	G. T. P.	19234	21792
Biggar..	Saskatchewan	C. P. R.	19470	21403
Boundry Lane..	Saskatchewan	G. T. P.	19611	10791-34
Bethany Jet..	Ontario	C. P. R.	20080	224-7
Bratton..	Saskatchewan	C. N. R.	20179	22970-1
Brighton..	Ontario	C. P. R.	20331	3701-270
Bromhead..	Saskatchewan	C. P. R.	20745	22823
Bengough..	Saskatchewan	C. N. R.	2-735	23342
Bowmanville..	Ontario	C. L. O. & W.	20671	3701-163
Bulstrode..	Quebec	G. T. R.	21175	19061
Burch Point..	Ontario	C. P. R.	21633	21497
Cedarvale..	British Columbia	G. T. R.	18943	21415
Consort..	Alberta	C. P. R.	18977	21545
Cadogan..	Saskatchewan	C. P. R.	19186	21843
Czar..	Saskatchewan	C. P. R.	19186	21856
Coatsworth..	Ontario	P. M. R.	19324	20449
Conquest..	Manitoba	C. N. R.	19278	22622
Cloan..	Alberta	C. P. R.	19410	21489
Crest..	British Columbia	G. T. P.	19377	22118
Cando..	Saskatchewan	G. T. P.	19587	21949
Croydon..	British Columbia	G. T. P.	19643	22040
Cooking Lake..	Alberta	G. T. P.	19867	21583
Corwhin..	Ontario	C. P. R.	19000	22609
Canyon..	British Columbia	C. P. R.	19917	22265
Courtney..	British Columbia	E. & N.	20143	22804
Conrad..	Alberta	C. P. R.	20190	21807
Cambray..	Alberta	G. B. & S.	20468	22784
Chandler..	Saskatchewan	C. N. R.	20714	22321
Coniston..	Ontario	C. N. O.	20066	24431
Coalspin..	Alberta	G. T. P.	21103	22639
Cramake..	Ontario	C. P. R.	21111	3701-347
Carceland..	Alberta	C. P. R.	21160	23555
Cadillac..	Saskatchewan	C. P. R.	21455	23813
Dareen..	British Columbia	G. T. P.	18943	21412
Doughty..	British Columbia	G. T. P.	19610	21632
Dana..	Ontario	C. N. O.	19089	3561-145
Dandurand..	Alberta	G. T. P.	19191	21787
Dejaour..	Alberta	G. T. P.	19192	21695
Duffield..	Alberta	G. T. P.	19193	21693
Delki..	Saskatchewan	C. P. R.	19153	21738
Dyke..	Alberta	G. T. P.	19313	21870
Dinzel..	Saskatchewan	C. P. R.	19315	21818
Dawson..	Saskatchewan	G. T. P.	19377	22122
Dunster..	British Columbia	G. T. P.	19643	22044
Dacer..	Saskatchewan	G. T. P.	19845	21947
Dufresne..	Manitoba	C. N. R.	19969	22273
Dand..	Manitoba	C. N. R.	20265	22819
Doreenlee..	Alberta	G. T. P.	20341	21890
Deseronto..	Ontario	C. N. O.	20707	3878-562
Denhart..	Alberta	C. P. R.	21548	23733

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STATEMENT No. 16—Showing Station Locations approved of during Year ending March 31, 1914—*Continued.*

Name of Station.	Province.	Railway.	Order Number.	File Number.
Eastew	British Columbia	G. T. P.	18943	21425
Edmonton	Alberta	C. P. R.	19092	21978
Ernfold	Saskatchewan	C. P. R.	19152	21842
Edenwold	Saskatchewan	G. T. P.	19315	21884
Embarras	Alberta	G. T. P.	19817	22302
Erith	Alberta	G. T. P.	19817	22199
Edly	British Columbia	G. T. P.	20275	22706
Endako	British Columbia	G. T. P.	21164	3452/79
Ekfrid	Ontario	G. T. R.	21577	23473
Fleet	Alberta	C. P. R.	18977	21546
Froude	Saskatchewan	C. P. R.	19315	21844
Fee....	Saskatchewan	G. T. P.	19385	21885
Fort William	Ontario	G. T. P.	19377	
			and 19820	22119
Fort Point	Saskatchewan	G. T. P.	19589	21892
Farm Point	Quebec	C. P. R.		
Frater	Ontario	A. C. & H. B.	20182	22676
Foremost	Alberta	C. P. R.	20444	19574-3
Franklin	Alberta	C. B. & S.	20468	22784
Grantbrook	Cariboo Dist.	G. T. P.	19010	21638
Geikie	Alberta	G. T. P.	19094	21637
Galloway	Alberta	G. T. P.	19204	21785
Galea	Ontario	C. N. O.	19565	3561/147
Grafton	Ontario	C. P. R.	11931	3701/313
Gorlitz	Saskatchewan	C. P. R.	20016	22886
Gravelbourg	Saskatchewan	C. N. R.	20838	23448
Gravel	Ontario	C. P. R.	20836	23346
Huxley	Alberta	G. T. P.	19028	21436
Hinton	Alberta	G. T. P.	19067	21854
Hargiven	Alberta	G. T. P.	19204	21789
Herschel	Saskatchewan	C. P. R.	19202	18112
Hanna	Alberta	C. N. R.	19203	22081
Hitchcock	Saskatchewan	C. P. R.	19289	21820
Horne	Saskatchewan	G. T. P.	19377	22120
Hazelmore	Saskatchewan	C. P. R.	19821	22671
Hullhead	Ontario	C. P. R.	19986	2100/112
Hartley	Ontario	C. P. R.	20147	2100/117
Hearn	Ontario	C. N. O.	20712	3561/193
Harnsworth	Manitoba	C. P. R.	20338	23378
Interlachen	Alberta	G. T. P.	19313	21815
Isle Jesus	Quebec	C. N. O.	20532	2342/108
Jordan	Ontario	G. T. R.	19217	19917
Jasper	Alberta	G. T. P.	19444	21853
Kwinita	British Columbia	G. T. P.	18943	21411
Kandahar	Saskatchewan	C. P. R.	19131	21845
Khedive	Saskatchewan	C. P. R.	19750	22142
Kincaid	Saskatchewan	C. P. R.	19821	22669
Kelley	Ontario	G. T. P.	19820	22504
Kathmore	Ontario	C. N. O.	20506	3761/191
Lucerne	Cariboo Dist.	G. T. P.	19010	21634
Les Cedres	Quebec	G. T. R.	19106	20915
Linko	Quebec	G. T. R.	19377	22121
Leit	Saskatchewan	G. T. P.	19627	21948
Landscape	Saskatchewan	C. P. R.	19821	22670
Little Current	Manitoba	A. E. R.	19819	10844
Lancer	Saskatchewan	C. P. R.	20008	22841/25
Limerick	Saskatchewan	C. P. R.	20229	22730
Lefleche	Saskatchewan	C. P. R.	20343	22729
Lemsford	Saskatchewan	C. P. R.	20370	22835
Lonsdale	Ontario	C. P. R.	20652	3701/329
Loch Earn	Alberta	C. P. R.	21162	22530
Lac a Traverse	Ontario	C. N. O.	21632	24143
Moricetown	British Columbia	G. T. P.	18971	21734
Monitor	Alberta	C. P. R.	18977	21547
Mont Robson	Cariboo Dist.	G. T. P.	19010	21622
Medicine Lodge	Alberta	G. T. P.	19191	21791
Milago 27	British Columbia	E. & N.	19163	20928

* Removal of station only.

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STATEMENT No. 16—Showing Station Locations approved of during Year ending
March 31, 1914—Continued.

Name of Station.	Province.	Railway.	Order No.	File No.
Mileage 422.	British Columbia.	G. T. P.	19220	21630
Mileage 7 89.	Ontario.	C. P. R.	19228	3701.285
Meitte Hot Springs.	Alberta.	G. T. P.	19313	21849
Mozart.	Saskatchewan.	C. P. R.	19315	21846
Maisonneuve.	Quebec.	C. N. O.	19305	18583
Mileage 34 7.	British Columbia.	G. T. P.	19385	22041
Mileage 1155 6.	British Columbia.	G. T. P.	19588	22037
Mileage 1147 2.	British Columbia.	G. T. P.	19588	22037
Mileage 1170 5 C.D.	Cariboo District.	G. T. P.	19643	22036
Mileage 1190 9 C.D.	Cariboo District.	G. T. P.	19643	22038
Mileage 1185 0 C.D.	Cariboo District.	G. T. P.	19643	22039
Mileage 1198 0 C.D.	Cariboo District.	G. T. P.	19643	22046
Mileage 1161 9 C.D.	Cariboo District.	G. T. P.	19643	22043
Megronne.	Saskatchewan.	C. P. R.	19821	22667
Minehead.	Alberta.	G. T. P.	19817	22203
Mileage 428 5.	British Columbia.	G. T. P.	19930	32561
Mileage 9 56.	Quebec.	I. & J. B.	20062	22723
Mileage 162 06.	Ontario.	C. N. O.	20180	3561.142
Morinville.	Alberta.	E. D. & B. C.	20321	18903.20
Milaval.	Saskatchewan.	C. P. R.	20343	22725
Mileage 1179 2.	British Columbia.	G. T. P.	20350	21951
Musquash.	New Brunswick.	C. P. R.	20471	22861
Master.	Ontario.	C. N. O.	20546	3561.190
Mileage 143 03.	Ontario.	C. P. R.	20536	3701.332
Mileage 18 00.	Ontario.	C. L. O.	21140	3701.328
McLeod River.	Alberta.	G. T. P.	19817	22201
MacRorie.	Saskatchewan.	C. N. R.	20016	22935
Mara.	British Columbia.	C. P. R.	20731	22926
Maidstone.	Ontario.	W. E. & L. S.	20895	23477
M. P. 95.	British Columbia.	G. T. P.	20969	3452.71
Milton.	Ontario.	C. P. R.	21069	23457
Millicent.	Alberta.	C. P. R.	21401	23732
Moosejaw siding.	Alberta.	G. T. P.	21483	23771
Neely.	Saskatchewan.	G. T. P.	19259	21891
New Lowell.	Ontario.	G. T. R.	19844	22492
Nolan.	Alberta.	C. P. R.	19894	22259
North Appin.	Ontario.	C. P. R.	19908	22109
Neptune.	Saskatchewan.	C. P. R.	20633	22831
Notukew.	Saskatchewan.	C. P. R.	21469	23811
National Park.	Ontario.	C. N. O.	21624	21644
Obed.	Alberta.	G. T. P.	19234	21790
Odell.	Ontario.	C. P. R.	19374	22110
Onaway.	Alberta.	C. N. R.	19656	21496
Overton.	Ontario.	C. P. R.	20568	3701.330
Outram.	Saskatchewan.	C. P. R.	20719	22822
Oakshela.	Saskatchewan.	C. P. R.	20693	22942
Phelan.	British Columbia.	G. T. P.	18943	21421
Penzance.	Saskatchewan.	C. P. R.	19168	21841
Parkgate.	Alberta.	G. T. P.	19313	21851
Plunkett.	Saskatchewan.	C. P. R.	19315	21847
Pedley.	Alberta.	G. T. P.	19344	21652
Port Hope.	Ontario.	G. T. R.	19417	3675.4
Petry.	Ontario.	G. T. P.	19620	22503
Portreeve.	Saskatchewan.	C. P. R.	20601	22889
Putnam.	Ontario.	C. P. R.	19998	7214.29
Prussia.	Saskatchewan.	C. P. R.	20007	22840
Port Burwell.	Ontario.	C. P. R.	20193	22985
Prelate.	Saskatchewan.	C. P. R.	20370	22837
Port Hope.	Ontario.	C. P. R.	20505	3701.336
Port McNicol.	Ontario.	C. P. R.	20777	2100.120
Parham Junction.	Ontario.	C. P. R.	21166	3701.334
Parsons.	British Columbia.	C. P. R.	21338	23529
Pontreux.	Saskatchewan.	C. P. R.	21469	23812
Prairie Siding.	Quebec.	G. T. R.	21491	22815
Qualicum.	British Columbia.	E. & N.	20606	23127
Rainbow.	Cariboo District.	G. T. P.	19010	21624
Red Pass.	Cariboo District.	G. T. P.	19010	21639
Reford.	Saskatchewan.	C. P. R.	18934	21399

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STATEMENT No. 16.—Showing Station Locations Approved of during Year ending
March 31, 1914—Continued.

Name of Station.	Province.	Railway.	Order Number.	File Number.
Rockhaven	Saskatchewan	C. P. R.	19188	21837
Rokeby	Saskatchewan	C. P. R.	19158	21845
Roundcroft	Alberta	G. T. P.	19204	21788
Resplendent	British Columbia	G. T. P.	19270	21633
Rossmore	Saskatchewan	G. T. P.	19376	21893
Retlaw	Alberta	C. P. R.	19454	21808
Ranch Valley	British Columbia	G. T. R.	19643	22042
Rideau	Ontario	G. T. R.	19609	21221
Radville	Saskatchewan	C. N. R.	19891	20794.156
Ronolane	Alberta	C. P. R.	20019	21806
Readlyn	Saskatchewan	C. P. R.	20343	22727
Regent	Manitoba	C. P. R.	20442	22818
Reeder	Manitoba	C. P. R.	21023	23385
Reba	Ontario	G. T. P.	21231	22136
Rosemary	Alberta	C. P. R.	21401	23734
Salvus	British Columbia	G. T. P.	18943	21424
Sockeye	British Columbia	G. T. P.	18943	21422
Shansee	British Columbia	G. T. P.	18943	21413
Swiftwater	Cariboo Dist.	G. T. P.	19010	21625
Seaton	British Columbia	G. T. P.	19010	21631
Skeena City	British Columbia	G. T. P.	19200	19012
Stranrair	Saskatchewan	C. P. R.	19186	21821
Sovereign	Saskatchewan	C. P. R.	19153	21840
St. Joachim	Ontario	C. P. R.	19791	22111
Sterling	Alberta	C. P. R.	19499	21754
Smoky Falls	Ontario	C. N. O.	19386	3561.146
Siding No. 1	Saskatchewan	G. T. P.	19442	22035
Shera	British Columbia	G. T. P.	19643	22034
Salmon Arm	British Columbia	C. P. R.	19733	19616
M. P. 47, Cut Knife	Saskatchewan	G. T. P.	21889	19888
Sceptre	Saskatchewan	C. P. R.	20001	22842
Shackleton	Saskatchewan	C. P. R.	20006	22838
Smithers	British Columbia	G. T. P.	20361	19308
Schepler	Ontario	C. P. R.	20425	2100.121
Strathmead	Alberta	C. P. R.	20464	23097
Strangmuir	Alberta	C. P. R.	20404	23098
Seagrave	Ontario	C. P. R.	20603	23189
St. Boniface	Manitoba	G. T. R.	20331	23276
St. Albert	Manitoba	C. N. R.	20900	20170
Shannonville	Ontario	C. N. R.	21056	3701.338
Snowden	Ontario	C. P. R.	21231	22137
Shaunavon	Saskatchewan	C. P. R.	21459	23835
Spillimacheen	British Columbia	G. T. P.	21582	23528
Tenace	British Columbia	C. P. R.	18943	21414
Trenton	Ontario	C. P. R.	19002	3701.254
Traloe	Ontario	G. T. P.	19361	22108
Thornton	Alberta	G. T. P.	19393	21692
Totzke	Alberta	C. P. R.	19613	21886
Trossachs	Saskatchewan	C. P. R.	19869	21817
Tribune	Saskatchewan	G. T. P.	20745	22820
Tyee	British Columbia	G. T. P.	20700	21417
Telkwa	British Columbia	C. P. R.	20857	23258
Two Creeks	Manitoba	G. T. P.	20933	23377
Tatlow	British Columbia	G. T. P.	21095	23337
Uk	British Columbia	E. & N.	18943	21423
Union Bay	British Columbia	C. P. R.	22893	20143
Uptergrove	Ontario	G. T. P.	20549	2100.122
Unaka	Ontario	G. T. P.	21231	22138
Vanarsdel	British Columbia	C. P. R.	18943	21416
Veteran	Alberta	C. P. R.	18903	21540
Verwood	Saskatchewan	C. P. R.	19821	22566
Valor	Saskatchewan	G. T. P.	21100	23724
Woodcock	British Columbia	C. P. R.	18943	21419
Warner	Alberta	C. P. R.	19151	20740
Wolverton	Ontario	G. T. P.	19258	22112
Wakaw	Saskatchewan	G. T. P.	19385	31883
Weald	Alberta	C. N. O.	19817	22200

5 GEORGE V., A. 1915

STATEMENT No. 16.—Showing Station, Locations Approved of during Year ending March 31, 1914—*Concluded.*

Name of Station.	Province.	Railway	Order No.	File No.
Westmeath.....	Ontario.....	C. P. R. . . .	20077	3561.144
Willows.....	Saskatchewan.....	C. N. R.	20225	22726
Webster.....	Saskatchewan.....	C. P. R.	20340	23071
Woodrow.....	Saskatchewan.....	C. P. R.	20343	32728
Whitby.....	Ontario.....	C. P. R.	20563	3701.221
Westerham.....	Saskatchewan.....	C. P. R.	20745	23366
Willon.....	Manitoba.....	C. P. R.	20944	23384
Wilkinson.....	Ontario.....	G. T. P.	21608	3701.365
Yellowhead.....	British Columbia..	G. T. P.	19010	21636
Yates.....	Alberta.....	G. T. P.	19161	21793
Yonde.....	Ontario.....	G. T. P.	19820	22505
Zohner.....	Saskatchewan.....	G. T. P.	19385	21894

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STATEMENT No. 17.—Showing Cars Inspected for the Year ending March 31, 1914, together with defects noted.

Name of Railway.	Cars Inspected.	Cars Defective.	Per cent Defective.	Total number defects.	Number of defects in couplers and parts.	Per cent defective.	Number of defects in Uncoupling Mechanism.	Per cent defective.	Number of defects in Handholds.	Per cent defective.
Canadian Pacific.....	62,401	5,410	8.67	5,781	159	2.75	784	13.52	134	2.31
Grand Trunk.....	32,096	2,684	8.36	2,897	137	4.72	572	19.75	44	1.51
Canadian Northern.....	6,193	842	13.59	959	15	1.56	121	12.62	27	2.82
Canadian Northern Quebec.....	3,886	373	9.59	399	6	2.26	49	12.28	9	.50
Grand Trunk Pacific.....	2,982	378	12.67	426	6	1.40	42	9.86	24	5.63
Père Marquette.....	478	47	9.83	52	3	5.76	4	7.69	7	13.46
Toronto, Hamilton & Buffalo.....	370	32	8.64	37	2	5.40	5	13.51	1	2.70
Quebec, Montreal & Southern.....	563	79	12.25	80				10.00		
Central Vermont.....	250	31	12.4	32	2	6.25	6	18.75		
Boston & Maine.....	636	50	7.86	51			5	9.80	1	1.96
Morrissey, Fernie & Michel.....	65	18	27.69	18			1	5.55		
Michigan Central.....	172	12	6.97	12			1	8.33		
St. Lawrence & Adirondack.....	60	7	11.66	8			2	25.00		
Dominion Atlantic.....	35	6	17.14	6	1	16.66		16.66		
Bay of Quinte.....	10	7	70.00	11	2	18.18	5	45.45		
Ottawa & New York.....	33	3	9.09	3						
Great Northern.....	175	8	4.57	8						
Kettle Valley.....	2	2	100.00	2					1	50.00
Total.....	110,407	9,989	9.05	10,782	336	3.12	1,606	14.88	241	2.24

STATEMENT No. 17.—Showing cars Inspected for Year ending March 31, 1914, together with defects noted—*Continued.*

Name of Railway.	Number of defects in Air brakes.	Per cent defective.	Number of defects in Ladders.	Per cent defective.	Number of defects in Sill steps.	Per cent defective.	Number of defects in height of Couplers.	Per cent defective.	Number of Miscellaneous defects.	Per cent defective.
Canadian Pacific	3,299	57.10	439	7.57	255	4.41	11	0.19	700	12.24
Grand Trunk	1,478	51.01	56	1.93	61	2.10	8	0.58	541	18.67
Canadian Northern, Quebec	590	61.52	43	4.48	80	8.34	1	0.10	82	8.55
Canadian Northern, Quebec	216	54.11	68	17.04	10	2.50			45	11.28
Grand Trunk Pacific	156	36.61	35	8.22	74	17.37			89	20.89
Pere Marquette	23	44.23			2	3.84	1	1.92	12	22.07
Toronto, Hamilton and Buffalo	20	54.05	1	2.70	1	2.70			1	18.92
Quebec, Montreal and Southern	58	72.5	3	3.75					11	13.75
Central Vermont	50	42.5							4	12.5
Boston and Maine	38	74.51	1	1.96	1	1.96			5	9.80
Morrissey, Fernie and Michel	17	94.44								
Michigan Central	9	75.00								
St. Lawrence and Adirondack	2	25.00	1	12.5					2	16.66
Dominion Atlantic	2	33.33							3	33.33
Bay of Quinté	3	27.27							2	33.33
Ottawa and New York	2	66.66							1	33.33
Great Northern	2	25.00			1	50.00			4	75.00
Kettle Valley										
Total	5,985	55.05	647	6.00	485	4.49	21	0.20	1,511	14.01

SESSIONAL PAPER No. 20c

STATEMENT No. 18.—Defective Appliances on Freight Cars, Reported by Inspectors.
for Year ending March 31, 1914.

COUPLERS AND PARTS.

Coupler, body broken	5
Coupler, body worn	
Guard, arm short	
Knuckle, broken	10
Knuckle, worn	2
Knuckle, missing	23
Knuckle pin, broken	5
Knuckle pin, wrong	9
Knuckle pin, bent	4
Knuckle pin, missing	5
Lock block, broken	173
Lock block, worn	
Lock block, wrong	2
Lock block, bent	1
Lock block, inoperative	87
Lock block, missing	10
Lock block key, missing	
Lock block trigger, missing	
Total	336

UNCOUPLING MECHANISM.

Uncoupling lever, broken	270
Uncoupling lever, wrong	65
Uncoupling lever, bent	59
Uncoupling lever, incorrectly applied	5
Uncoupling lever, missing	125
Uncoupling chain, broken	941
Uncoupling chain, too long	21
Uncoupling chain, too short	2
Uncoupling chain, kinked	1
Uncoupling chain, missing	37
End casting, broken	4
End casting, wrong	
End casting, bent	
End casting, loose	6
End casting, incorrectly applied	1
End casting, missing	1
Keeper, broken	6
Keeper, wrong	
Keeper, bent	
Keeper, loose	39
Keeper, incorrectly applied	
Keeper, missing	12
Angle clip, loose	11
Total	1,606

HANDHOLDS.

Handhold, broken	16
Handhold, bent	85
Handhold, loose	22
Handhold, incorrectly applied	2
Handhold, missing	116
Total	241

MISCELLANEOUS.

.....	1,511
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5 GEORGE V., A. 1915

STATEMENT NO. 18.—Defective Appliances on Freight Cars, Reported by Inspectors,
for Year ending March 31, 1914—*Concluded.*

AIR BRAKES.

Triple valve, defective.....	2
Triple valve, missing.....	17
Reservoir, defective.....	531
Reservoir, loose.....	27
Cylinder, defective.....	151
Cylinder, loose.....	2
Cylinder in triple valve not cleaned within 12 months.....	73
Cylinder in triple valve not stencilled with date of cleaning.....	296
Cut-out cock, defective.....	269
Release cock, defective.....	45
Release cock, missing.....	30
Release rod, broken.....	202
Release rod, missing.....	5
Angle cock, defective.....	49
Angle cock, missing.....	22
Train pipe, broken.....	168
Train pipe, loose.....	507
Train pipe, bracket missing.....	7
Cross-over pipe, defective.....	226
Hose, defective.....	6
Hose, missing.....	18
Hose gasket, missing.....	3,232
Retaining valve, defective.....	19
Retaining valve, missing.....	30
Retaining pipe, defective.....	
Retaining pipe, missing.....	
Brake rigging, defective.....	
Brake, cut out.....	
Brake cut out; card old.....	
No brake of any kind.....	
Pump, missing.....	
Total.....	5,935

LADDERS.

Ladder round, broken.....	105
Ladder round, bent.....	249
Ladder round, loose.....	248
Ladder round, missing.....	23
Ladder, loose.....	21
Ladder, incorrectly applied.....	1
Total.....	647

SILL STEPS.

Sill step, broken.....	19
Sill step, bent.....	286
Sill step, loose.....	24
Sill step, incorrectly applied.....	1
Sill step, missing.....	155
Total.....	485

HEIGHT OF COUPLERS.

Coupler, too high.....	1
Coupler, too low.....	20
Carrier iron, loose.....	
Total.....	21
Grand Total.....	10,782

SESSIONAL PAPER No. 20c

STATEMENT No. 19.—Comparative Statement of Defects on Freight Cars between the Year ending March 31, 1913, and March 31, 1914.

	1913.	1914.
Couplers and parts.....	493	336
Uncoupling mechanism.....	2,632	1,606
Handholds.....	560	241
Air brakes.....	2,946	5,935
Ladders.....	801	647
Sill Steps.....	613	485
Height of couplers.....	31	21
Miscellaneous.....	1,110	1,511
Grand total.....	14,186	10,782

COMPARATIVE Statement of Cars Inspected and Defective between the Years ending March 31, 1913, and March 31, 1914.

	1913.	1914.
Cars inspected.....	137,054	110,407
Cars defective.....	13,110	9,989
Percentage defective.....	9.55%	9.05%

APPENDIX G.

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS
FOR THE YEAR ENDING MARCH 31, 1914.

TRAFFIC DEPARTMENT.

Name.	Occupation.	Date of Order in Council.	Salary.
			\$
Hardwell, James.	Traffic expert.	June 22, 1904.	5,000
Brown, G. A.	Chief clerk.	Oct. 3, 1904.	2,250
McManus, C. E.	Clerk.	Aug. 20, 1904.	1,300
Routhier, C. C.	"	Aug. 14, 1906.	1,250
Lalonde, F.	"	May 6, 1907.	1,150
Allen, J. S.	"	May 6, 1907.	1,150
Messenger, H. W.	"	July 8, 1904.	1,100
Usher, J. R.	"	May 6, 1907.	1,000
Wainwright, W. R. G.	"	April 27, 1903.	1,000
Chapman, C. M. B.	"	April 11, 1907.	900
Harvey, R.	"	Oct. 6, 1911.	850
Brethour, L. L.	"	Dec. 2, 1911.	850
Drum, A. B.	"	Feb. 6, 1913.	800

ENGINEERING DEPARTMENT.

Mountain, G. A.	Chief Engineer	June 30, 1904.	5,000
Simmons, T. L.	Asst. Chief Engineer	Oct. 3, 1901.	2,900
1 Drury, H. A. K.	1st Asst. Engineer	June 25, 1906.	3,200
Belanger, A. A.	2nd Asst. Engineer	May 28, 1910.	2,800
1 Kerr, A. T.	3rd Asst. Engineer	Aug. 1, 1911.	2,900
2 Murphy, J.	Electrical Engineer	May 15, 1906.	
Foulds, J. R.	Clerk	Aug. 4, 1906.	1,050
Wadsworth, E. W.	"	Sept. 12, 1912.	800

RECORD DEPARTMENT.

Thomson, J. W.	Chief Clerk.	Sept. 1, 1904.	1,350
Huband, C. S.	Acting Record Officer.	May 1, 1905.	1,300
Jamieson, W. A.	Clerk.	Aug. 14, 1906.	1,050
Langelier, D.	"	Aug. 20, 1904.	1,000
Martin, J. E.	"	May 6, 1907.	1,000
Demers, F. R.	Statistical Clerk.	Aug. 31, 1905.	950
Chambers, D.	Clerk	June 29, 1910.	950
Lyon, N. B.	"	May 11, 1911.	900
Carruthers, J. P.	"	Sept. 12, 1912.	850
Edwards, F. A.	"	Oct. 19, 1912.	800
Lajoie, V.	"	Dec. 10, 1913.	800

1 Includes living allowance of \$300 a year during residence in West.

2 Salary paid by Railways and Canals Department.

SESSIONAL PAPER No. 20c

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS
FOR THE YEAR ENDING MARCH 31, 1914—Continued.

SECRETARY'S DEPARTMENT.

Name.	Occupation.	Date of Order in Council.	Salary.
Ecclestone, A. E.	Chief Clerk.	Aug. 14, 1906.	1,500
Arbick, J.	Clerk.	May 2, 1905.	1,000
Laroque, A.	"	Dec. 31, 1908.	950
Hollington, P.	"	Oct. 19, 1912.	800
Timmins, J.	"	Feb. 6, 1913.	800
Latour, T. D.	Mailing Clerk	Dec. 21, 1907.	800
Bourgault, L.	Clerk.	Dec. 8, 1913.	800
Bliss, Miss M.	Stenographer.	May 29, 1911.	700
Gamble, C. L.	"	July 19, 1912.	650
McGuire, Miss E.	"	July 27, 1912.	650
Murphy, Mrs. L.	"	June 25, 1913.	650
Hardy, Miss J.	"	Sept. 24, 1913.	650
Parish, Miss P.	"	Nov. 21, 1913.	650

ASSISTANT SECRETARY'S DEPARTMENT.

Primeau, E. A.	Assistant secretary for French correspondence.	May 7, 1901.	2,700
Lapointe, A.	Chief clerk and accountant.	May 6, 1907.	1,100
Casey, T. H.	Clerk.	Aug. 28, 1909.	900
Turcot, Miss A. M.	Stenographer.	May 29, 1911.	700

OPERATING DEPARTMENT.

1 Nixon, A. J.	Chief operating officer	Oct. 1, 1909.	4,200
Spencer, Geo.	"	Sept. 24, 1913.	3,600
Lalonde, E. C.	Inspector	Aug. 29, 1904.	2,300
Ogilvie, J.	Mechanical expert.	May 4, 1907.	2,300
2 McCaul, M. J.	Inspector	May 6, 1907.	2,300
Clark, J.	"	May 6, 1907.	2,000
Blyth, W. S.	"	May 6, 1907.	2,000
2 Hudson, A. E.	"	May 3, 1912.	2,100
Gillett, L. D.	"	May 3, 1912.	1,800
2 Gardner, J.	"	May 3, 1912.	2,100
Harris, T.	"	May 3, 1912.	1,800
2 Shinnick, J. H.	"	Dec. 31, 1908.	1,700
Ward, H. H.	Chief clerk	Feb. 11, 1911.	1,500
Poulin, A.	Inspector.	July 28, 1911.	1,200
3 Nelson, F. E.	"	Mar. 1, 1914.	1,050
Britton, T. G.	"	May 6, 1907.	1,000
Dunsmore, F. E.	"	Oct. 14, 1912.	900
Parker, C. M.	"	Oct. 14, 1912.	800
Heggs, D. A.	"	Mar. 1, 1914.	800
O'Connor, Miss G. M.	Stenographer.	Dec. 31, 1908.	800
Scroggie, Miss M. H.	"	Jan. 25, 1913.	600
3 Barber, M. so E. A. H.	"	May 6, 1907.	950
3 McDonald, Miss N.	"	Oct. 14, 1910.	900

FIRE INSPECTION DEPARTMENT.

4 Leavitt, C.	Chief fire inspector	Feb. 22, 1913.	800
Johnson, H. C.	Fire inspector	Feb. 6, 1913.	1,800
White, R. J.	Chief clerk	June 29, 1913.	900

1 Died January 12, 1914.

2 Includes living allowance of \$300 a year during residence in West.

3 Includes living allowance of \$150 a year during residence in West.

4 The salary of Mr. Leavitt is \$3,600 per annum; difference paid by the Conservation Commission.

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PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS
FOR THE YEAR ENDING MARCH 31, 1914—*Concluded.*

LAW DEPARTMENT.

Name.	Occupation.	Date of Order in Council.	Salary.
			\$
Blair, A. G.	Law clerk.	Aug. 20, 1904.	3,000
Larose, Miss R.	Stenographer and librarian.	May 29, 1905.	900
Fligg, Miss C. L.	Stenographer.	May 29, 1912.	700

CHIEF COMMISSIONER.

Richardson, R.	Secretary to Chief Commissioner and acting secretary outside Ottawa.	April 12, 1905.	2,300
Lewis, Miss L. J.	Clerk and stenographer.	May 7, 1904.	900

STENOGRAPHERS.

Cameron, Miss E. M.	Clerk and stenographer to Com- missioner McLean.	Aug. 20, 1904.	900
Casey, Miss N.	Clerk and stenographer to Asst. Chief Commissioner.	Dec. 31, 1908.	900
Ross, Miss M. G.	Clerk and stenographer to Com- missioner Mills.	Sept. 11, 1909.	900
Vaughan, Miss M.	Clerk and stenographer to Com- missioner Goodeve.	May 11, 1911.	750

MESSENGERS.

Graham, F. D.	Chief messenger.	Oct. 19, 1912.	750
Barbeau, E. S.	Messenger.	Sept. 11, 1911.	700
Wallace, A. J.	"	Oct. 19, 1912.	700
Downes, W.	"	Oct. 19, 1912.	700

CAR "ACADIA".

Pile, Wm.	Cook.	1,020
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REPORTING STAFF.

Eutcher, Nelson R.	Official reporter to board.	April 14, 1908.	4,800
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APPENDIX H.

REPORT OF FIRE INSPECTION DEPARTMENT.

OTTAWA, April 29, 1914.

A. D. CARTWRIGHT, Esq.,
 Secretary, Board of Railway Commissioners,
 Ottawa, Ont.

SIR,—Herewith I beg to submit the report of the Fire Inspection Department, for year ending March 31, 1914, for the Ninth Annual Report of the Board.

ISSUANCE OF GENERAL ORDER NO. 107.

Under date of July 4, 1913, general order No. 107 (see page 480) was issued by the board. This order comprises a revision of order 16570, and embodies the requirements of the board relative to the various features of railway fire protection, under the provisions of the Railway Act. The new order strengthens several features of the old, and at the same time, without impairing the effectiveness of the provisions in any degree, has apparently done away with the movement for an appeal to the Supreme Court by the Canadian Pacific, Canadian Northern and Grand Trunk Pacific railways.

ORGANIZATION.

The co-operation begun last year with the fire protective organizations of the Dominion and Provincial Governments has been continued and extended. In this way has been handled practically all of the detailed field inspection in connection with right of way clearing, establishment and maintenance of patrols, reporting and extinguishing of fire by railway employees, and the construction of fireguards. In each case, the plan of co-operation includes the payment of salary and expenses of the inspecting officer, by the co-operating agency, so that aside from the head office at Ottawa, the work of the Fire Inspection Department has been handled without cost to the board.

CO-OPERATION WITH BRITISH COLUMBIA FOREST BRANCH.

The inspection work handled by the British Columbia Forest Branch embraces lines in British Columbia except the Railway Belt. The following is a list of the officials of the Forest Branch who have been designed for appointment by the board in handling this work:—

H. R. MacMillan, Chief Forester, appointed Provincial Fire Inspector, to exercise general supervision over the board's fire inspection work in the province, outside the Railway Belt; headquarters, Victoria.

R. E. Benedict, Assistant Forester, appointed Assistant Provincial Fire Inspector, headquarters, Victoria. W. C. Cladwin, appointed Divisional Fire Inspector, headquarters, Vancouver.

Cranbrook district. J. D. Gilmour, Divisional Fire Inspector. G. B. Watson, R. J. Long and L. J. McKinnon, Assistant Divisional Fire Inspectors.

Nelson District. J. R. Martin, Divisional Fire Inspector. J. T. Price, A. M. Black, H. S. Nelson, and C. A. Mix, Assistant Divisional Fire Inspectors.

Vernon District. L. R. Andrews, Divisional Fire Inspector. M. W. Allen, Assistant Divisional Fire Inspector.

Vancouver district. G. D. McKay, Divisional Fire Inspector. A. T. Kennedy, W. H. Smith and J. B. Mitchell, Assistant Divisional Fire Inspectors.

Island District. H. K. Robinson, Divisional Fire Inspector. W. F. Loveland, Assistant Divisional Fire Inspector.

Prince Rupert District. H. S. Irwin, Divisional Fire Inspector.

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Hazelton District. R. E. Allen, Divisional Fire Inspector. Geo. Dover, Assistant Divisional Fire Inspector.

Tête Jaune Cache District. C. MacFayden, Divisional Fire Inspector. A. W. Holmes, Assistant Divisional Fire Inspector.

DOMINION PARKS BRANCH.

The inspection work handled by the Dominion Parks Branch, Department of the Interior, embraces lines within Dominion Parks. The officials designated, and territory covered are as follows:—

P. C. Barnard Hervey, Chief Superintendent Dominion Parks, Edmonton, Alta., appointed Fire Inspector for Dominion Parks.

F. E. Maunders, Superintendent of Yoho Park, Field, B.C., appointed Divisional Fire Inspector for Yoho Park.

S. J. Clarke Superintendent Rocky Mountains Park, Banff, Alta., appointed Fire Inspector for Rocky Mountains Park. J. T. Child and H. E. Sibbald, Assistant Fire Inspectors.

Col. S. Maynard Rogers, Superintendent Jasper Park, Jasper, Alta., appointed Fire Inspector for Jasper Park.

Railways covered by the above organization are those portions of the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific, which are included within the various Park boundaries.

DOMINION FORESTRY BRANCH.

The inspection work handled by the Dominion Forestry Branch, Department of the Interior, is as follows:—

D. Roy Cameron, District Inspector of Forest Reserves, Kamloops, B.C., appointed Fire Inspector for the Railway Belt, exclusive of Dominion Parks. This includes the main line of the Canadian Pacific railway through British Columbia, west of Leamchoil and tributary branches within the Railway Belt. Mr. Cameron was assisted by two Divisional Fire Inspectors, W. R. Peacock and R. D. McDonald.

W. N. Millar, District Inspector of Forest Reserves, Calgary, Alta., appointed Fire Inspector for Dominion Forest Reserves in Alberta. This includes those portions of the Canadian Pacific and Canadian Northern lines within forest reserves on the east slope of the Rockies. Mr. Millar was assisted by Messrs. L. C. Tilt and R. M. Brown, appointed as Divisional Fire Inspectors.

E. H. Finlayson, Inspector of Fire Ranging, Winnipeg, Man., appointed Fire Inspector; to handle inspection work in the forested portions of Manitoba and Saskatchewan, and in Alberta outside Dominion Forest Reserves and Parks. This includes portions of the Canadian Pacific Railway, Canadian Northern Railway, and Grand Trunk Pacific Railway. Mr. Finlayson was assisted by Mr. T. McNaughton, appointed Divisional Fire Inspector. Mr. McNaughton also handled a portion of the fire guard inspection in Manitoba. Satisfactory co-operation with the provincial government for the handling of this work could not be secured.

Percy Reid, Mining Recorder, Carcross, Y. T., was appointed District Fire Inspector. Through co-operative arrangement, Mr. Reid covered the White Pass and Yukon Route lines in the Yukon and British Columbia as well as the Klondike Mines Railway, in the Yukon.

FIREGUARD INSPECTION, ALBERTA.

Benjamin Lawton, Chief Game and Fire Guardian, Department of Agriculture, Edmonton, appointed Provincial Fire Guard Inspector. Mr. Lawton was assisted by Messrs. Donald McEachern and James I. Brewster who were appointed Fire Guard Inspectors.

Railways covered are the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific within the prairie sections of Alberta.

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FIREGUARD INSPECTION, SASKATCHEWAN.

R. J. McLean, Fire Commissioner, Regina, appointed Provincial Fireguard Inspector. Railways covered are the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific within the prairie portions of the province.

ONTARIO.

The inspection work handled by the Department of Lands and Forests of the province of Ontario is as follows:—

E. J. Zavitz, Provincial Forester, Toronto, appointed Provincial Fire Inspector, to exercise general supervision over the Board's fire inspection work in the province.

Max Rabbitts, Port Arthur, appointed District Fire Inspector. Territory covered, Canadian Northern Railway between Fort William and Rainy River, and Grand Trunk Pacific Railway between Fort William and the Manitoba boundary.

Jas. Windle, Sudbury, appointed District Fire Inspector. Covers the Canadian Pacific Railway between Sudbury and White River and Sudbury and Bala and the Canadian Northern Ontario Railway between Sudbury and Washago.

H. Morel, Jr., North Bay, appointed District Fire Inspector. Covers the Grand Trunk Railway between North Bay and Scotia Junction, and Parry Sound and Pembroke, and the Canadian Pacific Railway between Pembroke and North Bay.

QUEBEC.

The inspection work handled by the Forest Protection Branch, Department of Lands and Forests of the Province of Quebec is as follows:—

W. C. J. Hall, Chief of the Forest Protection Branch, Quebec, appointed Provincial Fire Inspector, to exercise general supervision over the Board's fire inspection work in the province.

N. McCuaig, Bryson, appointed District Fire Inspector; territory, Canadian Pacific Railway between Ottawa and Maniwaki and Ottawa and Waltham.

Art. Bédard, Quebec, appointed District Fire Inspector; territory, Canadian Pacific lines in Quebec north of the St. Lawrence River between Quebec and Ottawa, and branches; Canadian Northern Quebec Railway between Quebec and Grenville, and branches.

II. Sorgius, Three Rivers, appointed District Fire Inspector; territory, Canadian Pacific Piles and Shawinigan branches and Canadian Northern Quebec Railway from Rivière à Pierre to Kiskisink and La Tuque Branch.

Nath. Lebel, Quebec, appointed District Fire Inspector; territory, Temiscouata line in Province of Quebec.

Jos. Legace, St. Charles de Caplin, appointed District Fire Inspector; territory, Atlantic, Quebec & Western and Quebec Oriental Railways in Gaspé Peninsula.

F. N. Roche, Quebec, appointed District Fire Inspector; territory, Canadian Pacific lines in the Province south of the St. Lawrence River; Grand Trunk, Boston & Maine, Central Vermont, St. Lawrence & Adirondack, Quebec, Montreal & Southern, Rutland, Maine Central.

Isaie Dubuc, Lake Megantic, appointed District Fire Inspector. Mr. Dubuc covers same territory as Mr. Roche given above.

NEW BRUNSWICK.

The inspection work handled by the Crown Lands Department of the province of New Brunswick is as follows:—

John McGibbon, Chief Fire Ranger, St. Stephen, appointed Provincial Fire Inspector. The territory covered includes the Canadian Pacific, Elgin and Havelock, New Brunswick and P. E. I., N. B. Coal and Railway, Salisbury and Albert, St. Martins Railway, and Temiscouata.

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A. E. O'Leary, Chief Game Guardian, Richibucto, N.B., appointed Assistant Provincial Fire Inspector. Mr. O'Leary assisted Mr. McGibbon in handling the fire inspection work on the above-named railways.

NOVA SCOTIA.

Co-operation for the handling of inspection work in Nova Scotia was promised by the Provincial Government, but the putting of the plan into effect has been delayed, pending the appointment of a Provincial Forester, for which appointment provision has been made by act of the Provincial Parliament.

RAILWAY FIRE PATROLS.

The plan adopted in 1912 was continued, of requiring the establishment and maintenance of special fire patrols in forest sections where the fire hazard is considered high. The special patrols consisted for the most part of men with railway velocipedes, although in some cases where the traffic was light the patrols consisted of men with power speeders. In the case of grades too heavy for the use of velocipedes or power speeders, foot patrols were prescribed.

In sections where the fire danger was considered medium, special patrols were required by members of the section crews, as a part of their regular work. The matter of reporting and extinguishing fire on lines or portions of lines where the fire hazard is considered light, was satisfactorily taken care of by the issuance of instructions by the railway companies, to their regular employees, under regulation 14 of general order No. 107. Such instructions were issued by nearly all the railway lines subject to the board's jurisdiction.

Letters prescribing patrols or other special measures to be taken in connection with railway fire protection were issued the following railway companies: Canadian Pacific Western Lines, Canadian Pacific Eastern Lines, Canadian Northern, Canadian Northern Ontario, Grand Trunk Pacific, Grand Trunk, Great Northern, Victoria and Sydney, Esquimalt and Nanaimo, Kettle Valley, Temiscouata and Edmonton, Dunvegan and British Columbia. As to other lines, the insurance of special instructions to regular employees, under regulation 14 of general order No. 107, was considered sufficient.

On that portion of the Grand Trunk Pacific lines under construction in British Columbia, special patrols were prescribed, with the understanding that it would be considered satisfactory compliance with the requirements of the board in this respect, should the company enter into an agreement with the Government of British Columbia, under which the patrols should be maintained by the British Columbia Forest branch. This plan worked out satisfactorily, the cost being divided between the railway company and the Provincial Government, in consideration of the fact that the patrolmen were able to cover land on both sides of the right of way. A somewhat similar arrangement was made for the maintenance of special patrols on the Kootenay Central Railway, a subsidiary of the Canadian Pacific Railway, under construction in Southern British Columbia. The patrols required along those portions of the Canadian Northern and Edmonton, Dunvegan and British Columbia railways under construction in forest sections were maintained by the companies direct, under the general supervision of officers of the Dominion Forestry Branch, acting on behalf of the board.

The policy was consistently followed throughout the year, of relieving the railway companies from the necessity of maintaining special patrols, so far as weather conditions rendered such action practicable. The extent to which this policy could be carried out naturally depended also, to some degree, upon the extent to which the railway companies had specially organized their fire-protection work, so as to ensure the prompt resumption of patrols when the weather became dry. The handling of this patrol work constitutes an important feature of the activities of the local officers of the board. As a rule, these officers maintained a close degree of co-operation with the local railway officials, thus securing a maximum of efficiency in fire protection at a minimum of cost to the companies.

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RIGHT OF WAY CLEARING.

Material improvement was shown in connection with the removal of inflammable material from railway rights of way, as required by section 297 of the Railway *et.* This improvement is especially noticeable in the West, where credit is particularly due the Canadian Northern, Great Northern, Canadian Pacific, and Grand Trunk Pacific Railways, for the very material improvement which has taken place in this connection.

Circular No. 107 (appendix L) was issued under date of February 22, 1913, for the purpose of urging upon railway companies the importance of burning or otherwise removing from the right of way all dead and dry grass, weeds and other unnecessary inflammable matter, at the earliest practicable date in the spring, in order to minimize the fire hazard. The circular resulted in increased attention by the railway companies to this important matter. Under date of March 5, 1914, a similar circular, No. 128, was issued, urging close attention to this matter, in connection with the opening of the fire season of 1914.

FIREGUARD CONSTRUCTION.

The entire fireguard situation has received very careful attention throughout the year. There has been a large correspondence relative to this matter with railway companies, representatives of the farming interests, experimental farms, and agricultural colleges. As a result of all this investigation, a number of changes have been made in the requirements as to fireguard construction in the Prairie Provinces. Letter of May 24, 1913, issued by the chief fire inspector, under regulation 9 of order 16570, was sent to the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific railways.

The requirements for fireguarding in open prairie land included the ploughing of a strip not less than 16 feet in width, not less than 300 feet from the centre of the track, and the burning or other removal of all dead or dry grass and other unnecessary combustible matter between the fireguard and the track.

In the case of fenced grazing lands a 16-foot ploughed strip was prescribed, not less than 200 feet from the track, with the burning or other removal of dead or dry grass and other unnecessary combustible matter from the right of way. It will be noted that in this case the burning off of dry grass was not required between the right of way and the fireguard.

In cultivated lands, the letter of May 24 prescribed the ploughing of an 8-foot strip not less than 100 feet from the centre of the track, with the burning or other removal of dead and dry grass from the right of way. This requirement involved the construction of fire-guards in cultivated lands direct by the railway companies, the same as in the case of open prairie and fenced grazing lands. Following a conference at Winnipeg on August 6, with representatives of the railway companies and of the farming interests, a modification was made under date of August 8, as to the requirements for fireguarding in cultivated lands. The letter of August 8 required the burning or other removal of all grass, brush, weeds, and other unnecessary combustible matter between the track and the edge of the cultivated land, provided that this requirement should not extend more than 10 feet outside the right of way on private land. The requirement also covered the ploughing of either 4-foot or 8-foot fireguards through cultivated lands adjacent to railway lines in the three prairie provinces, wherever such action is necessary in the judgment of the owner or occupant of such land, and where such owner or occupant would undertake to plough, immediately following the harvest, either a 4-foot or an 8-foot fireguard, as he might consider necessary, at a distance of approximately 100 feet from the track, for a remuneration of \$1.75 per lineal mile of 4-foot fireguard, or \$3 per lineal mile of 8-foot fireguard, such amount to be promptly paid by the company, it being understood that the minimum amount to be paid in any case should be \$1. The above modifications were based upon the assumption that if the right of way and adjacent narrow uncultivated

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strip are freed from combustible matter, in accordance with the above requirements, the greatest source of fire danger in cultivated sections will have been removed, and, while in some sections and under some conditions the ploughing of fireguards through cultivated land will still be necessary, in other sections and under other conditions such action is not essential to a reasonable degree of safety. It was also agreed that in general the best judge of the necessity for ploughing fireguards through cultivated lands is the owner or occupant of the land himself, and that where such action is necessary, some degree of co-operation on the part of the landowner or occupant may reasonably be expected. In a general way the plan has worked out satisfactorily, and no complaints have been received as to the principle adopted in this connection.

The construction of fireguards as above described was required along railway lines in the provinces of Alberta, Saskatchewan, and Manitoba, except where a satisfactory showing should be made by the company concerned that such construction was either unnecessary or impracticable. This plan involved the submission by each company, of a so-called fireguard exemption plan, action upon which in each case involved a considerable amount of field inspection by the provincial fireguard inspector. Further inspection was necessary in the fall, to determine the extent to which the requirements relative to fireguard construction had or had not been fulfilled. It is considered very important that, as a preventive measure, there should be strict enforcement of the requirement for the burning off of dry grass between the track and the fireguard in the case of open prairie, between the track and the edge of cultivation in the case of cultivated land, and on the right of way in the case of fenced grazing land.

The following statements show for each railway company the work done in connection with fireguard construction.

SUMMARY OF FIREGUARD CONSTRUCTION by Railways in the provinces of Alberta, Saskatchewan, and Manitoba, 1913.

	NAME OF RAILWAY.			
	Great Northern.	Grand Trunk Pacific.	Canadian Northern.	Canadian Pacific.
	Miles.	Miles.	Miles.	Miles.
Length in track, miles	162 38	1,795 1	4,011 8	5,960 9
Length in fire guard, miles ¹ ..	324 76	3,590 2	8,023 6	11,921 8
Fireguards constructed—				
Open Prairie.....	81 75			7,878 7
Fenced grazing lands.....	37 75	1,903 7	3,708 05	
Cultivated lands.....	153 00			144 1
Total.....	272 50	1,903 7	3,708 05	8,022 8
Fireguards not constructed—				
Exemptions ²	52 26	743 00	2,633 10	1,684 6
Owner refuses entrance ³		46 30	45 45	80 8
Land already ploughed ⁴			28 8	3 4
Cultivated land, not fireguarded by owner ⁵			212 0	
Other reasons.....		897 00	1,396 2	2,130 2
Total	52 26	1,686 30	4,315 55	3,899 0

¹ Fireguard mileage is double the track mileage, since the construction of fireguards is required on both sides of track.

² Company exempted from fireguard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

³ Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fireguards.

⁴ Fireguarding unnecessary, because fields already ploughed.

⁵ Fireguarding in cultivated land required only where the land owner or occupant would undertake to ploughguard at the reasonable price specified by the board.

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INSPECTION OF FIRE PROTECTIVE APPLIANCES.

The inspection of fire-protective appliances on locomotives is under the jurisdiction of the Operating Department of the board. However, during the year, seventeen local officials of the Fire Inspection Department were instructed for this work, in co-operation with the Operating Department. This make a total of twenty-two of the local fire inspectors in this department who have been so instructed. The services of these men in connection with this line of work are especially valuable as to railway lines under construction, and the more remote branches of railways in forest sections, since they supplement materially the regular inspections by Operating Department officials.

Summary of Fire Reports, Season of 1913.

The accompanying statements show all the information available with regard to fires occurring within 300 feet of railway tracks during the season of 1913. The information available as to the situation in Eastern Canada is very much less satisfactory than that relating to the West, partly on account of delay in organizing the work, and partly on account of insufficient inspection having been provided by the provincial Governments which have co-operated with the board. In the East, only partial information is available as to the amount of damage done by fires occurring along railway lines. On account of incomplete organization in Ontario, it was not practicable to secure information relative to some of the fires which occurred, particularly in the Muskoka section. It is hoped that these omissions will be largely corrected in 1914.

In general, it may safely be stated that the results which have been secured from the co-operative handling of the railway fire protection work have been admirable. That occurrence and spread of railway fires has beyond the possibility of a doubt been greatly reduced. There is every reason to believe that the efficiency of the work will still further be increased during the coming year, through the extension and increased efficiency of the inspection staffs to be made available by the various co-operating agencies, especially in Eastern Canada. For the most part, full credit must be given the railways for the fine attitude they have shown toward the work of the Fire Inspection Department, and for their very general endeavour to comply honestly with the various requirements.

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SUMMARY OF REPORTS occurring adjacent to Railway Lines subject to the
(Exclusive of

	Canadian Pacific (Western Lines).	Grand Trunk Pacific.	Kettle Valley.	Victoria and Sydney.	Canadian Northern.	Great Northern.	Morrissey, Fernie and Michel.	Edmonton, Dun- vegan and British Columbia.
Number of fires reported as start- ing within 300 feet of track....	202	43	15	1	190	27	2	5
Causes of fires :								
(a) Trains.....	163	18	2	1	93	21	1	
(b) Tramps, etc., and camp fires	20	3	2		17	2	1	
(c) Other known causes.....	4	15	13		42	1		5
(d) Unknown.....	15	7			34	3		
(e) Not reported.....								
Acres burned over by fires outside right of way :								
(a) Grass or cultivated land....	141	31			129	70		
(b) Young forest growth.....	15	1,115	17		126	8		40
(c) Timber land.....	3	500			25	109		305
(d) Slashing or old burn not re- stocking.....		18		30	40	30		
(e) Total.....	159	1,664	17	30	320	217		345
Value of property destroyed :	\$ cts.	\$ cts.	\$ cts.		\$ cts.	\$ cts.		\$ cts.
(a) Young growth.....	30 00	5,300 00	105 00		610 00			120 00
(b) Standing timber.....		5,000 00			1,200 00	110 00		600 00
(c) Forest products in process of manufacture.....								
(d) Railway property not cover- ed in above.....								
(e) Other private property not covered in above.....								
(f) Total.....	30 00	10,300 00	105 00		1,810 00	110 00		720 00

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jurisdiction of the Board of Railway Commissioners for Canada. Season 1913.
Prairie Fires.)

Canadian Northern Ontario.	Grand Trunk.	Canadian Northern Quebec.	Canadian Pacific (Eastern Lines.)	Quebec, Montreal and Southern and Naperville Jet.	St. Lawrence and Adirondack.	Maine Central.	Central Vermont.	Boston and Maine.	Salisbury and Albert.	Totals.
9	93	31	43	42	15	2	6	2	4	732
3	30		34		7	1		1		373
1	1		8		1	1		1		47
5	62		1		7					91
		31		42			6		4	138
										83
	89	2			8	7	4			481
1,384	3,897	3	13,337		2				40	19,984
									3	945
										118
1,384	3,986	5	13,337		10	7	4		43	21,528
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.					\$ cts.
1,240 00	4,860 00		10,970 00							23,235 00
										6,910 00
		6,428 00		4,013 93	192 00					10,633 93
1,240 00	4,860 00	6,428 00	10,970 00	4,013 93	192 00					40,778 93

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Many small fires occurred in agricultural sections, not included in these totals, where the damage done was for the most part the destruction of pasture, fencing, hay, etc. This situation applies particularly to the Canadian Pacific eastern lines, Grand Trunk, and Canadian Northern Ontario Railway.

It is reported that no fires originated within 300 feet of the track in the case of the following railways: White Pass & Yukon route, Esquimalt & Nanaimo, Atlantic, Quebec & Western, Quebec Oriental, Rutland, Temiscouata, Central Railway of Canada, Western Canada Power Company.

On account of incomplete organization, no information is available as to the fire situation along the following lines which operate at least in part through forest sections: Algoma Central & Hudson Bay, Algoma Eastern, Central Ontario, Dominion Atlantic, Elgin & Havelock, Moncton & Buctouche, St. Martins, Cumberland Railway & Coal Company.

Fire statistics are not available and no attempt has been made to secure them as to the following lines which do not operate to any material extent through forest sections: Bay of Quinte, Brockville, Westport & Northwestern, Klondike Mines, Michigan Central, Ottawa & New York, Pere Marquette, Schomberg & Aurora, Thousand Islands, Oshawa, Toronto, Hamilton & Buffalo, Wabash, Essex Terminal.

PRAIRIE FIRES.

Complete statistics as to prairie fires are not available, since there is no adequate provision for the submission of such reports by railway companies. However, a certain amount of information is available, through the courtesy of the Royal Northwest Mounted Police, from which organization has been secured the information contained in the following tabulation:

SUMMARY OF PRAIRIE FIRES reported by the R.N.W.M. Police as known to have been set out by the various railways since 1911.

Province and Year.	NUMBER OF FIRES REPORTED.			Totals.
	C. P. R.	C. N. R.	G. T. P.	
Saskatchewan—				
1911.....	2	1	2	5
1912.....	8	2	4	14
1913.....	10	5	2	17
Alberta—				
1911.....				
1912.....	3	1		4
1913.....	5		1	6
Both Provinces—				
1911.....	2	1	2	5
1912.....	11	3	4	18
1913.....	15	5	3	23
Totals	28	9	9	46

In thirty-seven of the above cases, the fires are reported as presumed to have been started by engines. In five cases, the fire is reported to have escaped in connection with burning off the right of way, and in three cases as having escaped from the section crews. In one case, specific cause was not reported.

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For the most part the loss sustained is in the form of pasture. Loss is also reported as to hay, wheat stooks, implements and buildings. No estimate of total loss is available.

Convictions are reported in five cases, of which three were for allowing fire to escape while burning right of way, and one on account of engine not being equipped with proper spark arresting device. In one case details are not given.

The above figures represent only the cases in which fires have been officially brought to the attention of the R.N.W.M. Police, and, therefore, cover by no means all the prairie fires which have occurred. The operations of the police force do not extend to the settled portions of Manitoba, therefore no information is available from the records of the organization as to prairie fires occurring in that province.

In addition to the above fires, complaints have been made to the Board, during the year, relative to failure of railways to construct fire guards, or regarding fires which have occurred in the prairie sections, as follows:

Canadian Northern Railway, one complaint from Manitoba, two from Saskatchewan and ten from Alberta; total 13.

Canadian Pacific Railway, one complaint from Manitoba, eight from Saskatchewan, and four from Alberta; total 13.

Grand Trunk Pacific Railway, one complaint from Saskatchewan.

Respectfully submitted,

CLYDE LEAVITT,
Chief Fire Inspector.

APPENDIX I.

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.

- Abbott—Electrical Transmission of Energy.
 Abbott—Railway Law of Canada.
 Abbott on Telephony.
 Ackworth—Elements of Railway Economics.
 Actes du Canada et des Provinces non Abrogés par les Statuts Révisés, 1887.
 Acts of the Provinces and of Canada not Repealed by the Revised Statutes, 1887.
 Act to Regulate Commerce.
 Adams—Railroad Accidents.
 Adams—The Block System.
 Alabama—Reports of the Railroad Commission, 1908, 1910.
 Alberta Law Reports, 1908-1911.
 Alberta Statutes—1906-1913.
 Allen—Telegraph Cases.
 American Electrical Cases.
 American and English Annotated Cases, 30 Vols. Digest, Vols. 1-10; 1-20; and 21-1913B.
 American and English Encyclopedia of Law, 32 Vols. Supplement.
 American and English Railroad Cases, N.S., 68 Vols.; Digest, Vols. 1-23; 24-43; and 44-53.
 American and English Railroad Cases, Old Series, 61 Vols.; Digest, Vols. 1-35; and 36-43.
 American Railway Reports.
 American Reports, Digest.
 Anderson—Dictionary of Law.
 Anderson—Index-Digest of Interstate Commerce Laws.
 Armstrong—Digest of Nova Scotia Reports.
 Ashe—Electric Railways.
 Audette—Practice of the Exchequer Court.
 Auditor General's Reports.
 Baldwin—American Railroad Law.
 Barnes—Interstate Transportation.
 Bartholomew—Air Brakes for Electric Cars.
 Beach—Law of Railways.
 Beach—Monopolies and Industrial Trusts.
 Beach—Railway Digest (Annual).
 Beal—Bailments.
 Beal—Cardinal Rules of Legal Interpretation.
 Beal and Wyman—Railroad Rate Regulation.
 Beauchamp—Jurisprudence of the Privy Council.
 Beaudry-Lacantinerie—Droit Civil.
 Beavan and Walford—Railway Cases.
 Bell and Dunn—Practice Forms.
 Belsterling—Digest of Decisions—Transit Privileges.
 Beullac—Code de Procédure Civile.
 Bigg—General Railway Acts.
 Biggar—Municipal Manual.
 Bird—Digest British Columbia Case Law.
 Blakemore—Abolition of Grade Crossings in Massachusetts.
 Bligh—Ontario Law Index to 1900.
 Bligh and Todd—Dominion Law Index, 1898.
 Booth—Street Railways.
 Boulton—The Law and Practice of a Case stated.
 Bouvier's Law Dictionary.
 Boyle and Waghorn—The Law and Practice of Compensation.
 Boyle and Waghorn—The Law Relating to Railway and Canal Traffic.
 Brandeis—Scientific Management.
 Brassey, Lord—Fifty Years of Progress and the New Fiscal Policy.
 Brice—Tramways and Light Railways.
 Brice—Ultra Vires.
 British Columbia Reports.
 British Columbia Statutes, 1872-1913. Revised Statutes, 1897 and 1911. Consolidated Statutes, 1877.
 British Columbia Year Book.
 British Ruling Cases.
 Brockway—Electric Railway Accounting.
 Broom's Legal Maxims.
 Browne—Law of Carriers.

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LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.—*Continued.*

- Browne—The Law of Compensation.
 Browne—Practice before the Railway Commissioners.
 Brown, Macnamara and Neville—English Railway and Canal Traffic Cases.
 Browne and Theobald—Law of Railways.
 Bullinger—Postal and Shipper's Guide for the United States and Canada, 1912-1914.
 Butterworth—Practice of the Railway and Canal Commission.
 Butterworth—Railways and Canals.
 Byer—Economics of Railway Operation.

 California Board of Public Utilities Annual Reports.
 California—Report of the Railroad Commission.
 Calvert—Regulation of Commerce.
 Campbell—Forest Fires and Railways.
 Cameron—Supreme Court Practice and Rules, 1913.
 Canada Law Journal.
 Canada Legal Directory, 1914.
 Canada and Newfoundland Gazetteer.
 Canada Year Book.
 Canadian Annual Digest, 1896-1911.
 Canadian Annual Review, 1906-1912.
 Canadian Case Law Digest, 1901-1913.
 Canadian Law Review.
 Canadian Law Times, Vols. 25-33.
 Canadian Reports, Appeal Cases, Vols. 1-5 ; 1906-1912.
 Canadian Ten-Year Digest, 1901-1911.
 Car Builders' Dictionary, 1906-1912.
 Carmichael—Law of the Telegraph, Telephone and Submarine Cable.
 Carter—When Railroads Were New.
 Cartwright—British North America Cases.
 Cartwright—Canadian Law List, 1906-1913.
 Casson, Ellis and Hutchinson, Jr.—Horse, Truck and Tractor.
 Century Dictionary and Cyclopedia.
 Chandler—The Express Service and Rates.
 Chambers—Parliamentary Guide.
 Charter of the City of Montreal, with Amendments.
 Chitty's Archbold's Q. B. Practice.
 Chitty's K. B. Forms.
 Clapp—The Navigable Rhine.
 Clarke and Others—The American Railway.
 Clarke—Street Accident Law.
 Clarke—State Railroad Commissions.
 Clark—Studies in History, Economics and Public Law. Standards of Reasonableness in Local Freight Discriminations.
 Clements—Canadian Constitution.
 Clements—Federal Supervision of Railroads.
 Cleveland and Powell—Railroad Finance.
 Cleveland and Powell—Railroad Promotion and Capitalization.
 Clifton and Grunau—A new Dictionary of the French and English Languages.
 Clifton and Grunau—Technological Dictionary, English, German, French.
 Clode—Rating of Railways.
 Colson—Abregé de la Legislation des Chemins de Fer et Tramways.
 Commission Telephone Cases.
 Connecticut—Report of the Public Utilities Commission.
 Connecticut—Reports of Railroads, 1910.
 Connors—Report of the Working of American Railways.
 Constantineau—On the De Facto Doctrine.
 Cooley—The American Railway—Its Construction, Development, Management, and Appliances.
 Cooley on Taxation.
 Copnall—A Practical Guide to the Administration of Highway Law.
 Cowles—A General Freight and Passenger Post.
 Coutlee—Digest Supreme Court Reports.
 Criminal Code, 1892 and 1900.
 Crosswell—The Law Relating to Electricity.
 Curran—Freight Rates. Studies in Rate Construction.
 Currier—Railway Legislation in the Dominion of Canada, 1867-1905.
 Cyclopedia of Law and Procedure, 40 Vols. Annotations, 1907-1914.

 Dagger—Telephone Systems. The Ontario Telephone Act.
 Daggett—Railroad Re-organization.
 Dale and Lehmann—English Over-ruled Cases.
 Daniell—Chancery Forms.
 Darlington—Railway and Canal Traffic Acts.
 Darlington—Railway Rates.

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LIST OF BOOKS IN LIBRARY UP TO MACRII 31, 1914.—*Continued.*

- Daviel—Des Cours d'Eau.
 Denton—Municipal Negligence (Highways).
 Dewsnup—Railway Organization and Working.
 Dictionary of Altitudes in Canada.
 Directory of Railway Officials.
 Disney—Carriage by Railway.
 Dodd—Law of Light Railways.
 Doherty—Liability of Railroads to State Employees.
 Dorsey—English and American Railroads Compared.
 Douglas—The Influence of the Railroads of the United States and Canada on the Mineral Industry.
 Drinker—Interstate Commerce Act, Supplement.
 Droegge—Freight Terminals and Trains.
 Duff—Merchants Bank and Railroad Bookkeeping.
 Dunn—American Transportation Question.

 Eaton—Railroad Operations—How to Know Them.
 Eddy on Combinations.
 Edwards—Railway Nationalization.
 Electric Train Staff Catalogue—Union Switch and Signal Co., Swissvale, Pa.
 Elliott—The A B C of Railroad Signalling.
 Elliott—The Individual, the Corporation and the Government.
 Elliott—Minnesota. The Railways and Advertising.
 Elliott on Railroads.
 Elliott on Roads and Streets.
 Encyclopedia Britannica.
 Encyclopedia of the Laws of England, and Annual Supplements.
 Endlich on Statutes.
 English Law Reports to 1913. Digest, 1901-1910.
 English Reports (reprints), 142 Vols.
 English Ruling Cases, 26 Vols. Supplement, Vol. 27.
 Exchequer Court Reports.
 Ewart—Digest Manitoba Law Reports.
 Express Companies—Judgment of the Board.
 Express Statistics of the Dominion of Canada, 1912.

 Farnham—Waters and Water Rights.
 Frye—Civil Engineers' Pocket Book.
 Fry—Specific Performance.
 Fuzier—Herman. Code Civil. Supplement.
 Fuzier-Herman—Repertoire du Droit Francais.
 Fetter—Carriers of Passengers.
 Finch—Federal Anti-Trust Divisions.
 Florida Railroad Commission Annual Reports.
 Floy—Valuation of Public Utility Properties.
 Forney—Catechism of the Locomotive.
 Foster—Engineering Valuation of Public Utilities and Factories.

 Gear and Williams—Electric Central Station Distributing Systems.
 Georgia—Railroad Commission Annual Reports.
 Gephart—Transportation and Industrial Development in the Middle West.
 Gilbert—Street Railway Reports.
 Gillette—Hand Book of Cost Data.
 Glen on Highways.
 Goodeve—Railway Passengers.
 Gould on Waters.
 Gray—Communication by Telegraph.
 Greene on Highways.
 Grierson—Railway Rates English and Foreign.

 Hadley—Railway Transportation.
 Hadley—Railway Working and Appliances.
 Haines—American Railway Management.
 Haines—Railway Corporations as Public Servants.
 Haines—Restrictive Railway Legislation.
 Hamilton—Railroad Laws of New York, 1906-7.
 Hamilton—Railway and other Accidents.
 Hamlin—Interstate Commerce Acts Indexed and Digested.
 Hammond—Railway Rate Theories of the Interstate Commerce Commission.
 Hardcastle—Statute Law.
 Hatfield—Lectures on Commerce.
 Hay, Jr.—The Law of Railway Accidents in Massachusetts.

SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MACRHI 31, 1914.—*Continued.*

- Hemmeon—History of the British Post Office.
 Henderson—Locomotive Operation.
 Hendrick—Railway Control by Commissions.
 High on Injunctions.
 Hitt—Electric Railway Dictionary, 1911.
 Hodges on Railways.
 Hodgins—Dominion and Provincial Legislation.
 Holmested and Langton—Ontario Judicature Act.
 Holmested and Langton—Forms and Precedents.
 Holt—Canadian Railway Law.
 Hopkins—The Law of Personal Injuries.
 Hudson—Compensation.
 Hutchinson's Carriers.
 Hutchinson on Carriers.
- Illinois—Railroad and Warehouse Commission Special Reports, 1902-1906.
 Illinois Railroad and Warehouse Commission Annual Reports.
 Index of Cases Reported in the English Law Reports, 1905-1913.
 Index to Law Times Reports, Vols. 91 to 100.
 Index to Quebec Official Reports.
 Indiana—Annual Report of the Railroad Commission, 1910.
 Interstate Commerce Act as amended, 1912. State Public Utility Laws, Federal and State Court Decisions, Interstate Commerce Laws.
 Interstate Commerce Commission, Petition of the Merchants' Association of New York, et al, in relation to Express Service, Rates, Regulations and Practice.
 Interstate Commerce Commission Reports, 5 Vols.
 Interstate Commerce Reports, 27 Vols.
 Ivatts—Railway Management.
- Jackman—Freight Rates and Classifications. Express Service. Carriage by Water.
 Jacob's Railway Law of Canada.
 Jevons—The State in Relation to Labour.
 Johnson—American Railway Transportation.
 Johnson and Huehner—Railroad Traffic and Rates.
 Johnson—Ocean and Inland Water Transportation.
 Jones—Telegraph and Telephone Companies.
 Joy—Toll Telephone Practice.
 Joyce—Electric Law.
 Judgment of the Board Relating to Express Companies in Canada.
 Judson—Interstate Commerce.
- Kansas Public Utilities Commission Reports.
 Kant—Index to Cases Judicially Noticed in the Law Reports.
 Keasbey—Electric Wires.
 Kerr—Injunctions.
 Kirkman—The Science of Railways.
- Laffeur—Conflict of Laws.
 Lake—Report Major-General Sir P. H. N.
 Langeller—Cours de Droit Civil.
 Langeller—De la Preuve.
 Langstroth and Stütz—Railway Co-operation.
 Larombière.
 Latimer—Railway Signalling in Theory and Practice.
 Laurent—Droit Civil.
 Law Times Reports. General Index.
 Lefroy's Legislative Power in Canada.
 Legal News.
 Leggett—Bills of Lading.
 Lewis—American Railroad and Corporation Reports.
 Lewis—Eminent Domain.
 Lewis—Railway Signal Engineering.
 Lewis Sutherland—Statutory Construction.
 Littré et Beaujeu—Dictionnaire de la Langue Française, avec un Supplément d'Histoire et de Géographie.
 Louisiana—Railroad Commission Annual Reports.
 Lovell's Compendium.
 Lovell's Gazetteer of the Dominion of Canada.
 Lower Canada Jurists.
 Lower Canada Reports.
 Lust and Merriam—Digest of Decisions under The Interstate Commerce Act.
 Lyon—Capitalization. A Book on Corporation Finance.

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LIST OF BOOKS IN LIBRARY UP TO MACRH 31, 1914.—*Continued.*

- MacBeth—The Rationale of Rates.
 MacMillan and Gutches—Forest Products of Canada, 1908.
 MacMurchy and Dennison—Canadian Railway Act, Annotated.
 MacMurchy and Dennison—Canadian Railway Cases.
 MacMurchy and Dennison—Railway Law of Canada.
 Macnamara—Law of Carriers.
 Maine—Commissioner of Highways Annual Reports.
 Manitoba Law Reports.
 Manitoba Public Utilities Commission Report, 1912.
 Manitoba Statutes, 1871-1913. Revised Statutes, 1891-1902.
 Mann—Massachusetts Railroad and Railway Laws, 1908.
 Manual Railway and Signal Association.
 Marriott—The Fixing of Rates and Fares.
 Maryland—Annual Report Bureau of Statistics and Information, 1910.
 Massachusetts Public Service Commission Reports, 1914.
 Massachusetts Railroad Commissioners' Reports.
 Masters' Supreme Court Practice, 1908.
 Mathieu—Code Civil de la Province de Quebec.
 Mayne on Damages.
 Maxwell on Statutes.
 McDermot on Railways.
 McLean—Georgian Bay Canal.
 McNicol—American Telegraph Practice.
 McPherson and Clarke—Law of Mines.
 McPherson—Railroad Freight Rates in Relation to the Industry and Commerce of the United States.
 McPherson—Transportation in Europe.
 McPherson—The Working of the Railroads.
 Merritt—Federal Regulation of Railway Rates.
 Mews' Digest of English Case Law, 16 Vols. Annual Supplements, 1898-1912.
 Meyer—British State Telegraphs.
 Meyer—Government Regulation of Railway Rates.
 Meyer—Municipal Ownership in Great Britain.
 Meyer—Public Ownership and the Telephone in Great Britain.
 Meyer—Railway Legislation in the United States.
 Michigan Railroad Laws.
 Michigan Commissioner of Railroads Reports.
 Mignault.
 Mills—Our Inland Seas. Their Shipping and Commerce for Three Centuries.
 Minnesota Railroad and Warehouse Commission Reports.
 Mississippi Railroad Commissioners' Reports.
 Missouri Railroad and Warehouse Commissioners' Reports.
 Moulton—Waterways vs. Railways.
 Montreal Directory.
 Montreal Law Reports.
 Moody—Analyses of Railroad Investments, 1912.
 Moody—How to analyse Railroad Reports.
 Moore on Carriers.
 Morris—Railroad Administration.
 Mossop—Railway Operating Statistics.
 Mulvey—Canadian Company Law.
 Murray's English Dictionary.
 National Association of Railway Commissioners. Proceedings, 1912. Digest of Federal and State Court Decisions. Interstate Commerce Laws. Interstate Commerce Act as amended, 1912-1913.
 Nebraska—Laws Relating to Railroads and other Common Carriers.
 Nebraska State Railway Commission Reports.
 Nellis—Street Railroad Accident Law.
 Nellis—Street Service Railroads.
 Nelson—The Anatomy of Railroad Reports.
 Nelson—Interstate Commerce Commission.
 Nevada Railroad Commission Annual Reports, Public Service Commission, 1912.
 New Brunswick Board of Commissioners of Public Utilities Report.
 New Brunswick Equity Reports.
 New Brunswick Reports.
 New Brunswick Statutes, 1867-1913. Consolidated Statutes, 1877, 1903.
 Newcombe—Railway Economics.
 Newcombe—Work of the Interstate Commerce Commission.
 New Jersey Board of Public Utility Commissioners' Reports.
 New Jersey Board of Railroad Commissioners' Reports.
 New York Public Service Commission Reports, First District, Second District.
 New York Railroad Commissioners' Reports.
 Nichol—English Railway and Canal Cases.

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LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.—*Continued.*

- North Carolina State Tax Commission Reports.
 North West Territories Ordinances, 1878-1905. Consolidated Ordinances, 1898. General Ordinances, 1905.
 Nouveau Dictionnaire, Anglais-Francais et Francais-Anglais.
 Nova Scotia Judicature Act, 1900.
 Nova Scotia Reports.
 Nova Scotia Statutes, 1865-1913. Revised Statutes, 1871, 1884, 1900.
 Noyes—American Railroad Rates.
 Nutt—Technological Dictionary, French, German, English.

 O'Brien's Conveyancer.
 Official Postal Guide of Canada.
 Oklahoma Corporation Commission Report.
 Ontario Digest Case Law and Supplement.
 Ontario Gazetteer and Business Directory.
 Ontario and Upper Canada Reports.
 Ontario Law Reports, Index of Cases, 1905-1911.
 Ontario Law Reports, Digest of Cases, 1882-1887.
 Ontario Railway Digest.
 Ontario Railway and Municipal Board Reports.
 Ontario Statutes, 1867-1913. Revised Statutes, 1877, 1887 and 1897.
 Oregon Railroad Commission Reports.
 Oregon Railroad Commission. Uniform Classification of accounts for Electric Utilities, Gas Utilities, and Water Utilities, adopted June 16, 1913.
 Ottawa Directory.
 Oxley—Light Railways.

 Paine—The Law of Bailments.
 Paish—The British Railway Position.
 Parsons—The Heart of the Railroad Problem.
 Parsons—Railway Companies and Passengers.
 Patterson—Railway Accident Law.
 Pease—The Freight Transportation of Trolley Lines.
 Pennsylvania State Railroad Commission Reports.
 Pierce—Digest of Decisions under Act to Regulate Commerce, 1887-1908.
 Piggott—Imperial Statutes.
 Pim—The Railways and the State.
 Pollock—Bill of Lading Exceptions.
 Poor—Manual of Railroads.
 Postal Guide of Canada.
 Pratt—American Railways.
 Pratt—Canals and Traders.
 Pratt—German vs. English Railways.
 Pratt and MacKenzie—Highways.
 Pratt—A History of Inland Transport and Communication in England.
 Pratt—Railways and their Rates.
 Prentice—Federal Powers over Carriers and Corporations.
 Prince Edward Island Reports.
 Prince Edward Island Statutes, 1867-1912.
 Proctor—The Drainage Acts, 1908, Ontario, Manitoba, and British Columbia.

 Quebec Law Reports.
 Quebec Official Reports.
 Quebec Public Utilities Commission Annual Reports.
 Quebec Statutes, 1868-1912. Revised Statutes, 1888, 1889, and 1909.

 Railway Signal Association Manual.
 Railway Signal Association, 1909, Proceedings.
 Railway Statistics of Canada.
 Railway Statistics of the United States.
 Railways in the United States.
 Ramsay & Morin's Reports.
 Rapalje—Digest of American Decisions and Reports.
 Rapalje and Mack—Digest of Railway Law.
 Raper—Railway Transportation.
 Rapports Judiciaires Officiels de Québec, S.C. 43 Vols.; K.B., 21 Vols.
 Ray—Negligence of Imposed Duties. Passenger Carriers, Freight Carriers.
 Redfield—The Law of Railways.
 Redman—Arbitration and Awards.
 Redman—Law of Railway Carriers.
 Reeder—The Validity of State Regulations, State and Federal.
 Reese on Ultra Vires.
 Revue de Jurisprudence, 18 Vols.
 Revue Legal, Old Series, 23 Vols. New Series, 17 Vols.

5 GEORGE V., A. 1915

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.—*Continued.*

- Rhode Island Public Utilities Commission Annual Report.
 Richards—Conservation of Men.
 Richardson & Hook—American Street Railway Decisions.
 Richards & Soper—Compensation.
 Ripley—The Railroads and the People.
 Ripley—Railroads, Rates and Regulations.
 Ripley—Railway Problems.
 Robertson—Tramways.
 Robinson and Joseph—Law and Equity Digest.
 Roscoe—Nisi Prius.
 Ross—British Railways.
 Rover on Railroads.
 Russell on Arbitration.
 Russell and Bayley—Indian Railways Act, 1890.
 Russell—Equity Decisions of Nova Scotia.

 Saskatchewan Reports.
 Saskatchewan Statutes, 1906-1913. Revised Statutes, 1909.
 Sayings and Writings about the Railways.
 Schouler—Bailments and Carriers.
 Scott—Automatic Block Signals.
 Scott—Law of Telegraphs.
 Scrutton—Charterparties and Bills of Lading.
 Sellow—Steel Rails, their History, Properties, Strength, and Manufacture.
 Seton on Decrees.
 Shaughnessy—Before the Interstate Commerce Commission. Long and Short Haul Provisions.
 Shelton—The lakes-to-the-Gulf Deep Waterway.
 Sirey—Code Civil.
 Smith—Organization of Ocean Commerce.
 Snyder—American Railways as Investments.
 Snyder—Annotated Interstate Commerce Act and Federal Anti-Trust Laws.
 Sourdat.
 South Carolina Railroad Commission Reports.
 Stafford—The Canadian Oyster. Commission of Conservation, Canada.
 Statistics of Express Companies in Dominion of Canada, 1912.
 Statistics of Express Companies in the United States, 1909.
 Statistics of Railways in Canada.
 Statistics of Railways in the United States.
 Statistics of Telegraph Companies in Canada.
 Statuts du Canada.
 Statuts de Québec.
 Statutes relating to the City of Toronto, 1894.
 Stephens—Digest of Highway Cases.
 Stephen—Quebec Digest.
 Sterne—Railways in the United States.
 Steven—Digest of N. B. Reports.
 Stewart—Index to Dominion and Provincial Statutes.
 Stickney—The Railway Problem.
 Streets—Foundations of Legal Liability.
 Strombeck—Freight Classification.
 Stroud's Judicial Dictionary.
 Suffern & Son—Railway Operating Costs.
 Supreme Court of Canada Reports.
 Sutherland on Damages.

 Talbot—The Making of a Great Canadian Railway.
 Talbot and Fort—English Citations.
 Talbot—Railway Conquest of the World.
 Taschereau—The Criminal Code.
 Taschereau—These du Cas Fortuit.
 Taylor on Evidence.
 Temiskaming and Northern Ontario Railway Commission Annual Reports.
 Temp. Wood—Manitoba Reports.
 Territories Law Reports.
 Texas Railroad Commission Reports.
 La Themis.
 Théoret—Code de Procédure Civile, Montréal.
 Thiess and Joy—Toll Telephone Practice.
 Thompson—Law of Electricity.
 Thornton—Railroad Fences and Private Crossings.
 Tiedeman—Municipal Corporations in the United States.
 Toronto Directory.

United States Supreme Court Reports. Digest.

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LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.—*Concluded.*

- Van Zille—Ballments and Carriers.
Vaughan—Index to the Railway Acts of Canada, 1898.
Vermont Public Service Commission Reports.
Vermont Public Service Laws compiled from the public statutes and the Acts of the General Assembly at the Sessions of 1908 and 1910.
Virginia State Corporation Commission Reports.

Waghorn—Traders and Railways.
Washington—Progress and Prosperity.
Washington State Public Service Commission Reports.
Webb—Economics of Railroad Construction.
Webster's Collegiate Dictionary.
Weir's Assessment Law, Canada.
Weid—Private Freight Cars and American Railways.
Wellington—The Economic Theory of Railways.
Wellington—Economic Theory of Railway Location.
Weyl—Passenger Traffic of Railways.
Whitaker's Almanac.
Wigmore on Evidence.
Wilson—Mechanical Railway Signalling.
Wilson—Power Railway Signalling.
Wilson—Safety of British Railways.
Wisconsin Railroad Commission Reports.
Wood on Railway Law.
Woodfall—Railway and Canal Traffic.
Woodlock—Anatomy of Railroad Reports.
Words and Phrases Judicially Defined.
Wright—Locomotive Dictionary, 1912, American Railway Master Mechanics' Association.
Wyer—Regulation, Valuation, and Depreciation of Public Utilities.
Wyman on Public Service Corporations.

Young's Admiralty Nova Scotia Reports.
Yukon Territory Ordinances, 1903-1913. Consolidated Ordinance, 1902.

APPENDIX J. RECORD ROOM.

STATEMENT showing applications made to the Board under the various Sections of the Railway Act, for the Fiscal Year ending March 31, 1914.

SECTIONS OF RAILWAY ACT.	1913.												1914.	
	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March.	Totals.	
Rescinding of Orders, Sec. 29	6	5	4	1	5	6	7	1	4	2	5	3	49	
Rules and Regulations, Secs. 30, 269, 307, 313	1	3	3				1					1	6	
Sunday Labour, Sec. 44													1	
Extension of Time, Sec. 49	3	5	10	1	5	10	6	3	15	5	6		69	
Location of Line, Secs. 157, 168	6	7	6	6	5	8	2	5	6	3			54	
Route Map, Sec. 157	3	1	1	4	1		2			4			16	
Correction of Plans, Sec. 162	1												2	
Railway, as Constructed, Sec. 164	7	5	2	11	5	6	5	1	6	11	2	1	65	
Deviation of Line, Sec. 167	16	12	10	14	12	9	6	5	7	5	5	7	108	
Expropriation of Lands, Secs. 172, 191	10	6	3	2	1	6	9	3	6	1	4	55	106	
Appeals to Governor in Council	1	1				1							3	
Branch Lines of Railway, Secs. 221, 226	55	40	52	48	46	37	47	44	30	16	27	25	467	
Railway Crossings and Junctions, Secs. 227, 229	16	23	20	19	10	12	17	17	10	7	7	7	165	
Interlocking Appliances, Sec. 227				1		1			1				3	
Highway Crossings, Secs. 235, 243	133	74	84	121	98	100	72	64	42	30	37	56	911	
Highway Divisions, Sec. 237	10	13	15	13	17	1	8	3	7	5	4	2	98	
Protection at Crossings, Sec. 243	13	9	8	5	6	5	17	17	15	4	3	5	107	
Telegraph and Telephone Connections, Sec. 245			2				2			1	2		7	
Telegraph Wire Crossings, Sec. 246							1				1		2	
Telephone Wire Crossings, Sec. 246		1	6	1	1	2	1						5	
Power Wire Crossings, Sec. 246				2	2	1	4	1	3	2		1	23	
Telephone Agreement, Sec. 248										3			3	
Canals, Ditches, etc. Sec. 249		1	1	2									1	
Water Pipes, Sec. 250		1	3	2	2								11	
Gas Pipes, Sec. 250		1											3	
Sewers, Sec. 250		4	3	1	1	3	2	1					16	
Culverts, Sec. 250	1			2		3	2	1		1	1	1	2	
Farm Crossings, Secs. 252, 253			3	1	1	2	5			3		2	18	
Protection at Farm Crossings	2	4	3	1	1	3	3	1	1	1	1	4	25	
Cattleguards, Secs. 254, 255	1	6	1	2	1							1	12	

APPENDIX K.

LIST OF CASES APPEALED TO THE SUPREME COURT SINCE
FEBRUARY 1, 1904, TO MARCH 31, 1914.

File 1114.—Montreal Terminal Railway vs. Montreal Street Railway, Pius IX Avenue Crossing. Appeal from order of Deputy Chief Commissioner and Commissioner Mills on question of jurisdiction. Appeal allowed.

File 1492.—James Bay Railway vs. Grand Trunk Railway Crossing Belt Line spur. Appeal to the Supreme Court on question of law. Appeal dismissed.

File 383.—Canada Atlantic Railway, Ottawa Electric Railway and City of Ottawa, *re* Bank Street subway. Appeal of the Ottawa Electric Railway Company on question of law. Appeal dismissed.

File 588.—*Re* Toronto Union Station, A. R. Williams Expropriation. Appeal to Supreme Court and then to Privy Council, England, on question of jurisdiction. Appeal dismissed.

File 1604.—Case 1309—Robinson vs. Grand Trunk Railway two-cent rate. Appeal to the Supreme Court and then to the Privy Council, on question of law. Appeal dismissed.

File 689.—Canadian Pacific Railway Company vs. Grand Trunk Railway *re* branch line, London, Ont. Company appeal to Supreme Court on question of jurisdiction. Appeal dismissed.

Case 1680.—Essex Terminal and W. E. & L. S. R. R. crossing, township of Sandwich. Appeal by the Essex Terminal Railway to the Supreme Court on question of law. Appeal dismissed.

File 1497.—T. D. Robinson and Canadian Northern Railway spur at Winnipeg. Appeal to the Supreme Court by the Canadian Northern Railway Company on question of jurisdiction. Appeal dismissed.

File 9527.—Montreal Street Railway *re* rates Montreal Royal Ward. Appeal by the Montreal Street Railway to the Supreme Court of Canada on question of jurisdiction. Appeal allowed.

File 4719.—*Re* Agriculture Department, province of Ontario, and Grand Trunk Railway Company Station at Vineland. Appeal to the Supreme Court of Canada by the Railway Company on question of jurisdiction. Appeal dismissed.

Case 3322.—*Re* Toronto Viaduct. Appeal to the Supreme Court by the Canadian Pacific Railway Company on question of law. Appeal dismissed.

Case 4813.—*Re* Fencing and Cattle-guards—Order No. 7473. Appeal to the Supreme Court by the Canadian Northern Railway Company on question of jurisdiction. Appeal allowed in part.

Case 4492.—City of Toronto and Grand Trunk Railway and Canadian Pacific Railway Companies, *re* commutation tickets. Stated Case to the Supreme Court by the City of Toronto on question of law."

Case 3545.—*Re* City of Ottawa and County of Carleton, Richmond Road Viaduct. Appeal by County of Carleton, on question of jurisdiction. Appeal dismissed.

File 13079.—Grand Trunk Railway and Canadian Northern Ontario railway spur, township of Scarboro. Appeal to the Supreme Court by the Grand Trunk Railway Company on question of jurisdiction. Appeal dismissed.

Case 3269.—Grand Trunk Railway and British American Oil Company Oil Rate. Appeal to the Supreme Court by the Grand Trunk Railway Company on question of law. Appeal dismissed.

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File 1519.—Grand Trunk Pacific Railway and Fort William, *re* location. Appeal by the Grand Trunk Pacific Railway to the Supreme Court of Canada, on question of jurisdiction. Appeal dismissed.

File 11965.—Niagara, St. Catharines and Toronto Railway and Davy. Appeal to the Supreme Court by the Niagara, St. Catharines and Toronto Railway Company on question of jurisdiction. Appeal allowed.

File 9527.—Montreal Street Railway, *re* Rates, Mount Royal Ward. Appeal by Montreal Park and Island Railway Company to the Supreme Court of Canada on question of jurisdiction. Appeal allowed.

File 10912.—Application of the Canadian Northern Railway Company, under Section 237, of Railway Act, to cross certain streets in city of Prince Albert, Sask., and Chas. Macdonald. Not yet heard.

File 15580.—Clover Bar Coal Co., Ltd., and Wm. Humberstone, the Grand Trunk Pacific Railway Company, and the Clover Bar Sand and Gravel Co. Appeal allowed.

File 12682.—Regina Rate Case. Appeal dismissed.

File 1487.—Application of E. B. Chambers and W. R. G. Phair in connection with Order of the board No. 544, dated July 13, 1905, *re* C.P.R. location, Molson, St. Boniface Branch. Leave to appeal granted.

File 17963.—Application of the Grand Trunk Pacific Railway Company for leave to appeal from judgment of the board in regard to complaint of A. E. Purcell, of Saskatoon, Sask. Appeal dismissed with costs, judgment being confined to the particular circumstances at Saskatoon.

Case 3269.—Application of the Canadian Pacific Railway Company for leave to appeal from judgment of the board on question of jurisdiction is regard to British American Oil Company's case. Appeal dismissed with costs.

Case 3269.—Application of the Canadian Pacific Railway Company for leave to appeal from judgment of the board on question of jurisdiction is regard to British American Oil Case. Appeal dismissed with costs.

Files 15330-15330-1.—Application of the Grand Trunk and Canadian Pacific Railway Companies for leave to appeal upon the question of jurisdiction of the board, is regard to order dated May 16, 1911 *re* Canadian Oil Company. Appeal dismissed with costs.

File 19435.—Application of the Grand Trunk Pacific Railway Company for leave to appeal from order No. 16701 of the board, dated June 4, 1912, authorizing the city of Edmonton to cross the tracks and wires, etc., of its municipally-owned electric street railway, the tracks of the Grand Trunk Pacific Railway Company at 21st street, Edmonton. Appeal dismissed.

File 14329-9.—Montreal Park and Island Railway Company and Montreal Tramways Company, for leave to appeal against Order of the Board No. 17083, dated July 20, 1912, allowing the Lachine, Jacques Cartier and Maisonneuve Railway Company to expropriate lands of the Montreal Park and Island Railway Company. Still pending.

File 20062.—Application of the British Columbia Electric Railway Company, from Order of the Board No. 17480, dated October 14, 1912, authorizing the city of Vancouver to construct Hastings, Pender, Keefer, and Harris streets across the tracks of the Vancouver, Victoria and Eastern railway and Navigation Company, in the city of Vancouver, B.C. Appeal granted.

LIST OF APPEALS TO THE GOVERNOR IN COUNCIL FROM FEBRUARY 1, 1914 TO MARCH 31, 1914.

File 399.—Bay of Quinté Railway, crossing Canadian Pacific Railway Company at Tweed, Ont. Appeal to the Governor in Council by the Bay of Quinté Railway. Order of the Board set aside and former Order of the Railway Committee confirmed.

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File 1435.—James Bay Railway *vs.* Grand Trunk Railway Crossing near Beaverton, James Bay Railway Company appeal to the Governor in Council. Appeal dismissed.

File 1780.—*Re* Chatham Street Crossings, Grand Trunk Railway Company, appeal by Grand Trunk Railway Company to the Governor in Council. Appeal dismissed.

File 12992.—*Re* Maniwaki Branch of C.P.R., starting of trains from Ottawa. Appeal allowed and case referred back to board.

File 2030.—*Re* tariffs of certain Yukon Railway (this was not included in the report).

File 12912.—Park Avenue Subway. Town of St. Louis, Montreal and Canadian Pacific Railway. Appeal dismissed in part.

File 3452-30.—Application of J. Y. Rochester *re* Cameron Bay and Grand Trunk Pacific Railway Company. Appeal dismissed.

File 17040.—Lambton to Weston Spur and Canadian Pacific Railway Company. Appeal still pending.

File 17716.—Canadian Pacific Railway Company spur (Longue Pointe) through town of Maisonneuve, Que. Appeal dismissed.

Files 18849 and 18787.—South Hazelton townsite and Grand Trunk Pacific Railway Company. Appeal allowed.

Case 3322.—Toronto Viaduct Case. Appeal pending.

9437-153 and 12021-70.—Appeal of the Corporation of the City of Toronto, Ont., from two Orders of the Board of Railway Commissioners for Canada, dated June 25, 1912, and numbered respectively 16842 and 16846, and in the matter of the North Toronto Grade Separation, Yonge Street Subway. Appeal dismissed.

File 19024.—Appeal of Charles Miller of Toronto, Ont., from the Order of the Board dated the 14th day of May, 1913, in the matter of the Application of the Grand Trunk Pacific Railway Company for the approval of the location of the Company's station at Prince George, B.C. Appeal still pending.

File 16177.—Appeal off the Canadian Pacific Railway Company from the Order of the Board dated the 19th day of February, 1913, in the matter of the application of the Mountain Lumber Mfrs. Association regarding lumber rates. Appeal withdrawn.

APPENDIX "L."

STANDARD REGULATIONS OF THE BOARD AFFECTING HIGHWAY CROSSINGS, AS AMENDED MAY 4, 1910.

Unless otherwise ordered by the board, the regulations regarding the future construction of highway crossings are and shall be as follows:—

1. With each application, the railway company shall send to the secretary of the board three sets of plans and profiles of the crossing or crossings in question:—

Scale:—

Plan	400 feet to an inch.
Profile of railway } Horizontal	400 "
} Vertical	20 "
Profile of highway } Horizontal	100 "
} Vertical	20 "

First set, for approval by and filling with the board.

Second and third sets, to be furnished to the respective parties concerned, with a certified copy of the order approving of the same.

2. The plan and profile shall show at least one-half mile of the railway each way and 300 feet of the highway on each side of the crossing.

3. The plan shall show all obstructions to the view from any point on the highway within 100 feet of the crossing to any point on the railway within one-half mile of the said crossing.

4. The company shall give the municipality in which the proposed crossing lies, ten days' notice of the application and copies of the plan, and furnish the board with proof of service.

5. The road surface of level or elevated approaches, and of cuts made for approaches, to rural railway crossings over highways shall be 20 feet wide.

(a) A strong, substantial fence, or railing 4 feet 6 inches high, with a good post-cap (4 inches by 4 inches), a middle piece of timber (1½ inches by 6 inches), and a 10-inch board firmly nailed to the bottom of the posts to prevent snow from blowing off the elevated roadway, shall be constructed on each side of every approach to a rural railway crossing over a highway where the height is 5 feet or more above the level of the adjacent ground,—leaving always a clear road surface of 20 feet in width.

6. Unless otherwise ordered by the board, the planking, or paving blocks, or broken stone topped with crushed rock screenings, on rural railway crossings over highways (between the rails and for a width of at least 8 inches on the outer sides thereof) shall be 16 feet wide.

7. In cities, towns and villages, the width of all kinds of approaches to a railway crossing over a highway (street or avenue), and of the planking between the rails and on the outer sides thereof, must be regulated by the position of the street and the traffic or the anticipated traffic thereon, but shall not be less than 20 feet wide.

8. *Cuts and Fillings on Highway Crossings.*—Wherever a cut on the line of railway exceeds 9 feet or a filling thereon exceeds 7 feet at a highway or street crossing, the railway company, before proceeding with the work of construction, shall refer the matter to the board, with a full statement of the facts and circumstances, that the board may decide as to the advisability of ordering a separation of grades at the said crossing.

9. In special cases, it may, upon application, be ordered that any existing highway crossing be constructed so as to conform to the foregoing standards and requirements.

By order of the board,

A. D. CARTWRIGHT,

Secretary.

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GENERAL ORDER No. 95.

Saturday, the 2nd day of November, A.D., 1912.

In the matter of the circular of the board No. 87, calling upon railway companies subject to its jurisdiction to show cause why an order should not go prohibiting the said companies from issuing an embargo against any traffic for a period longer than four days, without first giving the board at least ten days' previous notice of its intention to issue such embargo, and the reason why such embargo is to be issued. File 19801.

Upon the hearing of the matter at the sittings of the board held in the city of Ottawa, June 18, 1912, the Grand Trunk Railway Company of Canada, the Canadian Pacific, Canadian Northern, and Great Northern Railway Companies being represented by counsel at the hearing; and reading what has been filed on behalf of the respondent railway companies, and the report and recommendation of the chief operating officer of the board.

It is ordered as follows: Whenever a railway company subject to the jurisdiction of the board, issues an embargo against any traffic, it shall, within forty-eight hours thereafter, file with the board a copy of such embargo, with a statement of the conditions rendering such embargo necessary, the action required to remove such conditions, and the probable time such embargo will be continued. And when such embargo is withdrawn or cancelled, the company shall forthwith file with the board a copy of such withdrawal or cancellation.

D'ARCY SCOTT,

Assistant Chief Commissioner.

GENERAL ORDER No. 96.

Monday, the 11th day of November, A.D., 1912.

File No. 15382.

In the matter of the specification for highway crossing signals.

In pursuance of the powers vested in it under sections 30 and 237 of the Railway Act, and of all other powers possessed by the board in that behalf; upon the report of the chief engineer of the board, and upon reading the comments of the representatives of railways and supply companies interested in the erection and maintenance of highway crossing signals—

It is ordered:—1. That until further notice the specifications for signals at highway crossings are and shall be as follows:—

Post.—The signal must be placed upon a post of suitable structural material. If the post is made of wood, it must be of sound timber not less than 8 by 8 inches and 18 feet long, and shall be firmly set in the ground to a depth of 4 feet. If it is made of iron or steel, it shall be not less than 4 inches in diameter, shall extend at least 12 feet above the ground, and shall be firmly bolted to a concrete or other foundation constructed below the frost line.

Bell.—A bell which shall emit a clear, loud volume of sound under all weather conditions must be used.

Sign.—A sign shall be placed upon the same post as the bell with the word "danger" upon it in letters not less than 6 inches in length, to be illuminated, so as to be plainly visible after sunset. There may be added to the post, if so desired, the railway crossing sign provided for by section 243 of the Railway Act.

Operation.—The bell and the illumination of the sign shall be controlled and operated automatically by the approach of trains, in such manner that only approaching trains shall operate the signal.

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2. That any order of the board providing for the installation of a highway crossing signal and referring to "standard specifications for highway crossing signals" be deemed as intended to be a reference to the specifications herein approved and adopted.

3. That the said "standard specifications for highway crossing signals" come into force the day of the date of this order, and apply to all highway crossing signals hereafter installed.

4. That the general order of the board No. 12915, dated February 7, 1911, approving specifications for the installation of electric bell signals at highway crossings, be, and it is hereby, rescinded.

D'ARCY SCOTT,

Assistant Chief Commissioner.

File 1700-29.

GENERAL ORDER No. 97.

Saturday, the 30th day of November, A.D., 1912.

In the matter of the application of the Canadian Pacific Railway Company, the Grand Trunk Railway Company, the Canadian Northern Railway Company, and the Michigan Central Railroad Company, on behalf of themselves and of other railway companies subject to the jurisdiction of the board, for permission to increase, temporarily, the toll for car detention by shippers or consignees, with the object of minimizing the misuse of freight cars for storage purposes, and alleviating the car shortage and congestion of traffic.

Upon the hearing of the application at the sittings of the board held in the city of Ottawa on the 27th November, 1912, counsel and representatives appearing for the applicant railway companies, the Canadian Manufacturers Association, the Montreal and Toronto Boards of Trade, the Montreal Corn Exchange, the Dominion Millers' Association, the Canadian Lumbermen's Association and others—

It is ordered that, on the publication and filing of tariffs therefor, and for the period commencing the fifteenth day of December, 1912, and terminating the thirty-first day of March, 1913, both inclusive, the said applicant companies be, and they are hereby permitted to increase the car service or demurrage toll prescribed by the order of the board No. 906, dated the 25th day of January, 1906, from one dollar a day to two dollars a day for the first twenty-four hours, or any part thereof, and to three dollars a day for each succeeding twenty-four hours, or any part thereof, for delay beyond the free time allowed by the said order for loading or unloading cars: provided that this order shall not apply to cars held in transit at stop-over points under published tariffs filed with the board.

D'ARCY SCOTT,

Assistant Chief Commissioner,

File No. 1700-29.

Application of Railway Companies for Order permitting a temporary increase of demurrage charges.

Heard at Ottawa, November 27, 1912.

ASSISTANT CHIEF COMMISSIONER:

The railway companies under the jurisdiction of the board apply for a temporary increase of the demurrage charges permitted under the Canadian Car Service Rules, from \$1 per day beyond the free time, to \$2 for the first twenty-four hours, \$3 for the second twenty-four hours, and \$4 for the third and succeeding twenty-four hours, of car detention after the free time allowed by the rules

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It cannot be denied that a car shortage equal to, if not greater than that of last year is imminent; and, unless some steps are taken to secure an adequate supply of cars, traffic will be seriously handicapped during the approaching winter and spring until the opening of navigation. Evidence was submitted to the board by the applicants, showing an unreasonable detention of a large number of cars at many of the principal traffic centres of the country. It is urged by the railway companies that the unnecessary detention of cars by shippers and consignees, not only handicaps the railway companies by depriving them of cars which would otherwise be available for traffic, but also causes congestion by blocking team tracks and private sidings in terminals. It is also contended that at least 50 per cent of what are called railway detentions, that is, the unnecessary holding of cars in terminals by the railway companies, are due to the blocking of these terminals by the unnecessary detention of cars by shippers and consignees.

The board is fully alive to the very unsatisfactory methods adopted by some of the railway companies for the handling of freight traffic. It has had its expert officials examine and report on the terminal and transportation facilities of the railway companies for some time. It has had the railway companies and the representatives of the shippers before it, and has discussed with the former the necessity for increasing the facilities and rolling stock of the railways, in order to overcome the unsatisfactory condition of affairs; and the railway companies are, undoubtedly, making an honest effort to relieve the congested condition of freight traffic, by increasing their facilities in the way of enlarging their yards, double-tracking, providing more cars, and adding to their motive power.

We are all thankful to realize that the traffic of the country is increasing at a far greater rate than was anticipated but a few years ago.

I believe there is much yet for the railways to do to equip themselves to handle the business of the country properly; but, as I have said before, I am satisfied that they are making an honest effort to do so; and they now ask, in a time of congestion of traffic, that those whose merchandise they carry do what they can to assist by loading and unloading cars as promptly as possible, in order that they may be available for the use of shippers.

The practice of consignees holding cars and using them for storage or warehouse purposes, undoubtedly exists. In many cases, it is cheaper for a consignee to pay \$1 a day demurrage and use the car as a warehouse, than to unload the car promptly and store his goods in some other place. Many merchants and traders, whose business has materially increased within the last few years, have not sufficient shed capacity to take care of their goods.

The applicants, in order to induce prompt release of cars, ask that the demurrage charges be so increased that, because of the expense of holding a car beyond the free time, shippers, and consignees will be prompted to load and unload cars with the utmost despatch.

The object of Car Service Rules is not to supply revenue for the railway companies, but to insure prompt release of cars, that they may be available for other shippers. The \$1 for each twenty-four hours' detention over the free time is apparently not a sufficient inducement to secure the prompt release of cars in many cases; and I am of the opinion that temporarily, during the present shortage of cars, the demurrage charge should be so increased as to ensure the prompt release of cars in all cases.

When a congestion occurred some time ago, on the Ontario Government Railway (T. and N.O.) the demurrage charge imposed by the Government was increased from \$1 to \$3; and, from the uncontroverted evidence submitted to the board, it proved to be beneficial in securing a more prompt release of cars. The Pacific Car Service Bureau, having jurisdiction in the state of California, made a protracted experiment by increasing demurrage charges gradually from \$1 to \$6 per day over the free time; and it has recently fixed the rate at \$3 per day, as being the most satisfactory amount.

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Being of the opinion that the railway companies have made out a good case for a temporary increase of demurrage charges, I have come to the conclusion, bearing in mind the facts above stated, that the increase should not exceed a maximum of \$3: I would increase the charge to \$2 for the first twenty-four hours, and \$3 for each subsequent twenty-four hours, beyond the free time as provided in our Car Service Rules.

The railway companies are on record as stating that, if they get this temporary increase, which I think should be granted, there will be very little congestion, and few, if any, delays in the placing of cars. It will now be incumbent upon them to carry out their undertaking. This temporary increase in demurrage charges may be taken as a substantial contribution by the shipping public towards the relief of the difficulties, and it will be for the railway companies to do the rest. Unless greater effort is made by the railway companies, with the view of more prompt transportation and handling of traffic, I do not believe that the increase in the demurrage charges will make any substantial difference.

There is almost a unanimity of opinion among the shipping public, that they would cheerfully consent to the increase in demurrage charges, if a measure of reciprocal demurrage was made effective at the same time; that is, if the railway companies would pay a per diem allowance to the shipper, or consignee, for unreasonable delays in the delivery of cars on the part of railway companies. That is a matter with which we cannot deal in this application. It was brought to the attention of the board at a sitting in Winnipeg, in July last, and is, I believe, now being considered by the chief commissioner and Mr. Commissioner McLean on their present western trip; and it cannot be disposed of without a hearing in the East, where a number of shippers desire to be heard on the subject. In disposing of the question of reciprocal demurrage, the board will, of course, consider what, if any, effect this temporary increase in the demurrage charges may have upon that question; but I see no reason why the present application should be delayed on that account.

I, therefore, think an order should go granting a temporary increase in the demurrage charges as mentioned above, to become effective on the 15th December next, and continue until the 1st April next; when, unless otherwise ordered by the board, the old charge of \$1 per day will be restored. I have made the effective date December 15 so as to give the shippers and consignees two weeks' notice.

It was pointed out to us at the hearing yesterday that the charges permitted for stop-over privileges at Cartier and other points throughout Canada were based upon the present demurrage charges; and that, unless otherwise ordered by the board, an increase in demurrage charges might result in an increase of stop-over charges. There should be no increase in stop-over charges; and provisions to that effect should be incorporated in the order.

D'ARCY SCOTT.

OTTAWA, November 28, 1912.

GENERAL ORDER No. 98.

In the matter of the application from Sanitaris, Limited, of Arnprior; White & Company, of Toronto, the Board of Trade of the City of Hamilton; and others, for an Order requiring Railway Companies during cold weather to furnish heated refrigerator cars for the carriage of perishable freight in less than carload quantities.—Files 18855 and 18855.1.

Upon the hearing of certain of the applications at the sittings of the board held at Ottawa on July 3, 1912, and at Toronto on September 25, 1912, in the presence of counsel for and representatives of the applicants and the railway companies, and what was alleged; and upon the report and recommendation of the chief traffic officer of the board—

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It is ordered that, until further ordered by the board, upon the receipt of reasonable notice from the shipper, or shippers, that such is or are required, railway companies, subject to the jurisdiction of the board, operating in Eastern Canada, which own refrigerator cars, and according to their respective powers, furnish to any shipper, or combination of shippers, a heated refrigerator car, or cars for the carriage, during cold weather, of fruit, vegetables, and eggs, in less than carload quantities, the same to be carted by the shipper, and loaded in the car by the shipper, or shippers, in the order in which the shipments are to be unloaded: Provided that under this order the carrier be not required—

(a) To accept shipments necessitating more than five openings of any such car for unloading purposes.

(b) To furnish heated cars for transshipments from the original car for destinations off the route of the said car.

(c) To accept less than a total weight of 12,000 pounds in any such car, or a less aggregate amount in freight charges than for 12,000 pounds distributed pro rata over the various shipments in any car.

(d) To accept such shipments unless the freight charges are prepaid.

(e) To assume liability for loss or damage to the property by frost (1) while in the car, if caused by the opening of the car for loading or unloading purposes; or (2) after it has been unloaded from the car.

D'ARCY SCOTT,

Assistant Chief Commissioner.

GENERAL ORDER No. 99.

File 18663.9.

WEDNESDAY, the 18th Day of December, A.D. 1912.

In the matter of the special tariffs of the railway companies, subject to the jurisdiction of the board, increasing the charges for cartage, and the request of the board that the said companies show cause for such increases.

Upon the hearing of the matter at the adjourned sittings of the board held in Ottawa, December 17, 1912, in the presence of counsel for and representatives of a majority of the railway companies interested; counsel for and the representatives of the Hendrie Cartage Company; and the representatives of the Canadian Manufacturers' Association, the Boards of Trade of Montreal and Toronto, and the Ontario Wholesale Grocers' Guild; the evidence adduced, and what was alleged; and the reading of what has been filed—

It is ordered that the special tariffs of the railway companies, the effective dates of which were postponed to and including the 31st day of December, 1912, by the orders of the board, Nos. 17911, 18088 and 18153, dated respectively the 6th, 21st and 30th days of November, 1912, be, and they are hereby disallowed; and that, in lieu thereof, the railway (or railroad) companies may publish and file, and make effective on statutory notice, special tariffs of tolls chargeable for cartage at those points in Eastern Canada where cartage services are rendered by the said companies, or their agents, which shall not exceed 2½ cents per 100 pounds: Provided that a minimum toll may be charged and collected for the cartage of any single complete shipment, which minimum toll shall not exceed 15 cents.

D'ARCY SCOTT,

Asst. Chief Commissioner.

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GENERAL ORDER No. 100.

File 1717. Part II.

THURSDAY, the 16th day of January, A. D. 1913.

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies operating in Canada, for the approval of the "Regulations for the Transportation of Explosives."

Upon its appearing to the board that the general public safety demands that the receiving, forwarding, and delivering of explosives by railway companies be protected by special regulations; that it is desirable that such regulations, so far as possible, be uniform with respect to shipments from a foreign country into or through Canada, or from Canada to a foreign country, as well as within Canada; and that the regulations submitted for approval are the same as those adopted by the Interstate Commerce Commission, revised and modified to conform to the provisions of the Railway Act and the requirements in Canada; and in pursuance of the powers conferred upon it by sections 26, 30, 286, and 287 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that the said regulations, attached hereto marked "A", certified by the chief commissioner of the board, be, and they are hereby, prescribed for the observance of railway companies within the legislative authority of the Parliament of Canada which accept explosives for carriage; that the said regulations come into force on the first day of March, 1913; and that upon and after the said first day of March, 1913, the order of the Board No. 7881, dated August 27, 1909, be rescinded.

H. L. DRAYTON,
Chief Commissioner.

" A "

GENERAL RULES.

Unless specifically authorized by these regulations, explosives must not be packed in the same outside package with each other, or with other articles. Explosives, when offered for shipment by rail, must be in proper condition for transportation and must be packed, marked, loaded, stowed, and handled while in transit in accordance with these regulations. All packages in less than carload shipments must also be plainly marked on the outer covering or boxing (outside package) with the name and address of consignee. Empty boxes previously used for high explosives are dangerous and must not be again used for shipments of any character. Empty boxes which have been used for the shipment of other explosives than high explosives must have the old marks thoroughly removed before being used for the shipment of other articles. Empty metal kegs which have been used for the shipment of black powder which was not contained in an interior package must not be again used for shipment of any explosive.

To enable the carrier to provide proper cars at stations where less than carload shipments of the dangerous explosives named in paragraph 1661 are offered for loading by the carrier, the shipper must give to the carrier not less than twenty-four hours' notice of his intention to offer such shipments and state their destinations.

B. Explosives, except such as are forbidden (see pars. 1501 and 1531 to 1536), may be received for transportation, provided the following regulations are complied with, and provided their method of manufacture and packing, so far as it affects safe transportation, is open to inspection by a duly authorized representative of the initial carrier, or of the Bureau for the Safe Transportation of Explosives and other Dangerous Articles of the American Railway Association (hereinafter called the Bureau of

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Explosives) if he be so designated by the Canadian carrier. Shipments of explosives that do not comply with these regulations must not be received. Shipments offered by the Dominion Government may be packed, including limitations of weight, as required by its regulations.

C. Before any shipment of explosives destined to a point beyond the lines of the initial carrier is accepted from the shipper, the initial carrier must ascertain that the shipment can go forward via the route designated, and that delivery can be made at destination. To avoid unnecessary delays, arrangements must be made to furnish this information promptly to the initial carrier. Shipments offered by connecting lines must conform to these regulations.

D. Consignees of explosives must remove the same from the carriers' property within forty-eight hours after notice of arrival. (See par. 1672.)

TESTS FOR STRENGTH OF PACKAGE.

E. When inexplusive material of equal weight is substituted (fine and dry sand for a granular explosive, dummy cartridges for high-explosive cartridges), and the outside package is dropped twice successively on its end to solid brick or concrete from a height of four feet, the outside package must not open nor rupture, nor must any portion of the contents escape therefrom.

F. In addition to standing the test in General Rule E, the design and construction of packages must be such as to prevent the occurrence in individual packages, of defects that permit leakage of their contents under the ordinary conditions incident to transportation, and must be constructed in accordance with any specifications applicable and approved by the Board of Railway Commissioners. The results of experience, gained by an examination of packages on arrival at destination, must be recorded by a duly authorized representative of the terminal carrier, or by the Bureau of Explosives, to the end that further use of any particular kind of package shown by experience to be inefficient may be prohibited by the board, even if it should stand the drop test prescribed by General Rule E.

G. Violations of these regulations, and accidents or explosions occurring in connection with the transportation or storage on railway property of explosives, must be reported by the carrier to the Chief Inspector, Bureau of Explosives, 30 Vesey Street, New York City, and to the Secretary of the Board of Railway Commissioners.

Serious violations discovered in cars containing explosives (such as defective packing, improper staving, rough treatment of car, broken packages, etc.), with a statement of apparent cause, must be thus reported without delay. Clerical and routine errors should be noted and reported periodically to the Chief Inspector, Bureau of Explosives.

All violations must be corrected before forwarding the car.

GROUPING.

H. For transportation purposes, explosives are divided into the following groups:

1. Forbidden explosives.
2. Black powder.
3. High explosives.
4. Smokeless powders.
5. Fulminates.
6. Ammunition.
7. Fireworks.

SESSIONAL PAPER No. 20c

SECTION 1.—INFORMATION AND DEFINITIONS

Group 1.—Forbidden Explosives.

(See Paragraphs 1531 and 1536.)

1501. The following are forbidden explosives:—

- (a) Liquid nitroglycerine.
- (b) Dynamite containing over 60 per cent of nitroglycerine (except gelatine dynamite).
- (c) Dynamite having an unsatisfactory absorbent, or one that permits leakage of nitroglycerine under any conditions liable to exist during transportation or storage.
- (d) Nitro-cellulose in a dry condition, in quantity greater than ten (10) pounds in one exterior package. (See pars. 1555 to 1559.)
- (e) Fulminate of mercury in bulk in a dry condition, and fulminates of all other metals in any condition, except as a component of manufactured articles whose transportation is not forbidden herein.
- (f) Fireworks that combine an explosive and a detonator or blasting cap. (See pars. 1515 and 1644.)
- (g) Fireworks that ignite spontaneously when subjected for 48 consecutive hours in the presence of moisture to the temperature of boiling water.
- (h) Firecrackers whose dimensions exceed 5 inches in length or three-quarters of an inch in diameter or whose explosive charges exceed 45 grains each in weight.
- (i) Toy torpedoes or caps exceeding 1½ inches in diameter, or containing more than an average of thirty-five hundredths of a grain of explosive composition per cap.
- (j) Fireworks* that can be exploded "en masse" by a commercial detonator placed in one of the units, or by the impact of a rifle bullet, or otherwise.
- (k) Fireworks containing a match tip or head, or similar igniting point or surface, unless each individual tip, head, or similar igniting point or surface, is entirely covered and securely protected from accidental contact or friction with any other surface.

Group 2.—Black Powder.

(See paragraphs 1541 to 1545.)

1502. Black powder embraces all explosives having a composition similar to that of ordinary gunpowder, such as carbonaceous material, sulphur, and a nitrate of sodium or potassium. This group includes rifle, sporting, blasting, cannon, and the prismatic powders.

Group 3.—High Explosives.

(See paragraph 1551 to 1560.)

1503. High explosives are all explosives more powerful than ordinary black powder, except smokeless powders and fulminates. Their distinguishing characteristic is their susceptibility to detonation by a commercial detonator, or blasting cap. Many high explosives are sensitive to percussion and to friction. Examples of high explosives are the dynamites, picric acid, picrates, chlorate powders, and nitrate of ammonia powders.

Group 4.—Smokeless Powders.

(See paragraphs 1571 to 1579.)

1504. Smokeless powders are those explosives from which there is little or no smoke when fired. The group consists of smokeless powder for cannon, and smoke-

*Such articles may be shipped when packed, marked, and certified in accordance with these regulations and offered for shipment as high explosives.

less powder for small-arms. Smokeless powder for cannon used in the United States at the present time consists of a nitro-cellulose colloid, and is safe to handle and transport. Smokeless powders for small-arms may consist of nitro-cellulose, nitro-cellulose combined with nitroglycerine, picrate mixtures, or chlorate mixtures.

Group 5.—Fulminate.

(See paragraphs 1591 to 1593.)

1505. This includes fulminate of mercury in bulk form—that is, not made up into percussion caps, detonators, blasting caps, or exploders.

Group 6.—Ammunition.

(See paragraphs 1601 to 1622.)

1506. Small-arms ammunition (such as is used in sporting or fowling pieces, or in rifle, pistol practice, etc.), consists usually of a paper or metallic shell, the primer, and the powder charge, with or without shot or bullet, the materials necessary for one firing being all in one piece.

1507. Ammunition for cannon embraces all fixed or separate loading ammunition packed in a single package in which the projectile weighs one pound or over, and is usually transported only for Government use. When the component parts are packed in separate outside packages, such packages will be shipped as smokeless powder for cannon, explosive projectiles, empty (including solid) projectiles, primers, or fuses. Igniters composed of black powder may be attached to packages in shipments of smokeless powder.

1508. Explosive projectiles, or loaded shells for use in cannon, are not liable to be exploded except by fire of considerable intensity, and the flying fragments would then be very dangerous.

1509. Detonators is the technical name for articles such as blasting caps, the use of which is to cause explosions of a high order, or “detonations.” This means the instantaneous conversion of the entire explosive into gas, instead of the gradual conversion known as “combustion.” Dynamite “detonates,” and smokeless powder for cannon “burns.”

1510. Blasting caps contain from 5 to 50 grains of dry fulminate of mercury, or a similar substance, packed in a thin copper cup and fired by a slow-burning safety fuse. When a small “bridge” of fine wire is embedded in the fulminate, held by a sulphur cast, and arranged to fire the fulminate by heating the bridge by means of an electric current, the cap is called an “electric blasting cap.”

1511. Detonating fuses are used to detonate the high explosive bursting charges of projectiles or torpedoes. In addition to a powerful detonator they may contain several ounces of a high explosive, such as picric acid, or dry nitro-cellulose, all assembled in a heavy steel envelope, the flying fragments of which, in case of explosion, would be very dangerous. From their careful design, manufacture, and packing detonating fuses are not liable to be exploded in transportation except by fire of considerable intensity.

1512. Primers, percussion and time fuses are devices used to ignite the black powder bursting charges of projectiles, or the powder charges of ammunition. For small-arms ammunition the primers are usually called “small-arm primers” or “percussion caps.” Percussion tracer fuses consist of a device which is attached to a projectile, and contains a slow-burning composition to show the flight of projectiles at night.

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Group 7.—Fireworks.

(See paragraphs 1641 to 1647.)

1513. Fireworks include everything that is designed and manufactured primarily for the purpose of producing a visible or an audible pyrotechnic effect by combustion or by explosion. They consist of common fireworks and special fireworks. (See par. 1501 (j) and footnote.)

1514. Common fireworks include all that depend principally upon nitrates to support combustion and not upon chlorates; that contain no phosphorus and no high explosive, sensitive to shock and friction; that produce their effect through colour display rather than by loud noises. If noise is the principle object, the units must be small and of such nature and manufacture that they will explode separately and harmlessly, if at all, when one unit is ignited in a packing case. They must not be designed for ignition by shock or friction. Examples are Chinese firecrackers, Roman candles, pin wheels, coloured fires, rockets, serpents, railway fuses, flash powders, etc.

1515. Special fireworks include all that contain any quantity of phosphorus, a fulminate, or other high explosive sensitive to shock or friction, or that contain units of such size that the explosion of one while being handled would produce a serious injury; or that require a special appliance or tool, mortar, holder, etc., for their safe use, or that are designed for ignition by shock or friction. Examples are giant firecrackers, bombs and salutes not high explosives, top torpedoes and caps, ammunition pellets fired in a special holder, railway torpedoes, etc.

SECTION II.—CONDITIONS OF ACCEPTANCE AND SHIPMENT OF PACKAGES.

Group 1.—Forbidden and Condemned Explosives.

1531. Forbidden explosives, as defined in paragraph 1501, and explosives condemned by the Bureau of Explosives (except properly repacked samples for laboratory examination), must not be shipped. Samples of any new explosive must be examined and approved as safe for transportation by the Bureau of Explosives before shipments (except samples for this examination not exceeding 5 pounds net in weight) can be accepted. For this purpose a new explosive is defined to be the product of a new factory, or an explosive of an essentially new composition made by an old factory.

1532. Leaking or damaged packages of explosives must not be shipped. Should any package of high explosives when offered for shipment show excessive dampness, or be mouldy, or show outward signs of any oily stain, or other indication that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry, the packages must be refused in every instance. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substance. In case of doubt, the package must be rejected. A shipment of dynamite is liable to cause a disaster in spite of careful handling; and storage, especially in warm and damp magazines, tends to cause leakage. Carriers must, for these reasons, examine with more than usual care all packages that have been stored or are offered for shipment during the summer months.

Repacking of Dynamite.

1533. Condemned dynamite must not be repacked and shipped unless the repacking is done by a competent person in the presence and with the consent of an inspector, or with the written authority of the Chief Inspector of the Bureau of Explosives.

Disposition of Injured, Condemned and Stray Packages.

1534. Packages found injured or broken in transit may be re-coopered when this is evidently practicable and not dangerous. A broken box of dynamite that cannot be

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re-coopered should be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry and clean cotton waste, or elastic wads made from dry newspaper. A ruptured can or keg should be enclosed in a grain bag of good quality and boxed or crated. Injured packages thus protected and properly marked may be forwarded.

1535. Condemned packages of leaking dynamite should (1) be returned immediately to shipper if at point of shipment; or (2) disposed of to a dealer in dynamite or other person who is competent and willing to remove them from railway property, if leakage is discovered while in transit; or (3) removed immediately by consignee if shipment is at destination.

When disposition cannot be made as above, the leaking boxes must be packed in other boxes large enough to permit, and the leaking box must be surrounded by at least 2 inches of dry, fine sawdust, or dry and clean cotton waste, and be stored in station magazine, or other safe place, until arrival of the local inspector or other authorized person to superintend the destruction of the condemned material.

1536. When name and address of consignee are known an astray shipment must be forwarded to its destination by the most practicable route, provided a careful inspection shows the packages to be in proper condition for safe transportation. Revenue or other waybill must be prepared on which must be written or stamped "Astray shipment, inspected at

Station, Railway,

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When a package in an astray shipment is not in proper condition for safe transportation (see paragraph 1534), or when name and address of consignee are unknown, disposition will be made as prescribed by paragraph 1535.

Group 2.—Black Powder.

1541. *Packing.*—Packages containing less than 12½ pounds of rifle, sporting, blasting, or cannon powders must be inclosed in a tight box, with the filling holes of the packages up, and the boxes must be marked on top, as prescribed by paragraph 1544.

1542. Twelve and-one-half pounds or over of black powder must be packed in packages that comply with General Rules E and F. Kegs less than 9 inches long must be boxed, as prescribed by paragraph 1541.

1543. *Weight.*—Packages must not weigh over 150 pounds gross.

1544. *Marking.*—Each outside package must be plainly marked, stamped, or stencilled to show the kind; "Black," and the use, "Blasting," "Rifle," "Cannon," "Mortar," etc., as "Black Blasting Powder," "Black Rifle Powder," etc. Additional marks, trade names, etc., may appear if desired by shipper.

1545. *Car.*—A car containing shipments of black powder in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 3.—High Explosives.

1551. High explosives consisting of a liquid mixed with an absorbent material must have the absorbent (wood pulp or similar material) in sufficient quantity and of satisfactory quality, properly dried at the time of mixing; nitrate of soda must be dried at the time of mixing to less than one per cent of moisture; and the ingredients must be uniformly mixed so that the liquid will remain thoroughly absorbed under the most unfavourable conditions incident to transportation.

1552. Explosives containing nitro-glycerine must have uniformly mixed with the absorbent material a satisfactory antacid, which must be in quantity sufficient to have the acid neutralizing power of an amount of magnesium carbonate equal to 1 per cent of the nitro-glycerine.

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1553. *Packing*.—High explosives containing more than 10 per cent of nitro-glycerine must be made into cartridges not exceeding 4 inches in diameter or 8 inches in length (does not apply to gelatine dynamite), and must not be packed in bags or sacks. Bags or sacks of high explosives containing not more than 10 per cent of nitro-glycerine, and not over 12½ pounds each of explosive, must be shipped as cartridges, but these bags must be strong, and must be placed in a box with filling ends up. The covering of all cartridges consisting of paper or other material must be strong, and so treated that it will not absorb the liquid constituent of the explosive.

1554. All boxes in which cartridges containing nitro-glycerine are packed must be lined with a suitable material that is impervious to liquid nitro-glycerine. Cardboard cartons, closed at the bottom, and made of strong and flexible material that is impervious to nitro-glycerine, form a satisfactory lining. At least one-quarter of an inch of dry sawdust or similar material must be spread over the bottom of the box before inserting the cartridges, and all the vacant space in the top must be filled with this material. The cartridges, except the bags or sacks authorized in paragraph 1553, must be so arranged in the boxes that when they are transported with the boxes top side up, all cartridges will lie on their sides and never on their ends.

1555. Inside packages containing not more than one pound each of dry nitro-cellulose, wrapped in strong paraffined paper or other suitable spark-proof material, will be accepted for shipment if securely packed in an outside package that complies with requirements of paragraph 1557, and is marked as prescribed in paragraph 1559. Outside packages must not contain more than 10 pounds of dry nitro-cellulose.

1556. High explosives containing no explosive liquid ingredient, and not having with their normal percentage of moisture, a sensitiveness to percussion greater than measured by the blow delivered by an 8-pound weight dropping from a height of 5 inches on a compressed pellet of the explosive three-hundredths of an inch in thickness and two-tenths of an inch in diameter held rigidly between hard steel surfaces as in the standard impact-testing apparatus of the Bureau of Explosives, may be shipped when securely packed in bulk. Wooden boxes and kegs must be provided with suitable linings to prevent leakage. These explosives may also be packed in cartridges, and must be so packed when their sensitiveness is greater than the above limit. When the addition of not less than 20 per cent of water to any such explosive will make it non-explosive, according to tests made by the Bureau of Explosives, the wet material may be shipped and handled in transit as prescribed by Regulations for the Transportation of Dangerous Articles other than Explosives by Freight.

1557. Boxes containing any high explosives, and having a gross weight not exceeding 75 pounds, must be made of sound lumber, free from holes or loose knots, and when made with lock corners must be not less than one-half inch in thickness. When nailed boxes are used the ends must be not less than one inch thick. (The limits for thickness refer to the finished box, and not to the undressed lumber).

Packages containing any high explosive must also fulfil the requirements of General Rules E and F.

1558. *Weights*.—High explosives containing an explosive liquid ingredient must not exceed 75 pounds, gross weight, in one outside package.

High explosives containing no liquid explosive ingredient, as defined in paragraph 1556, must not exceed 125 pounds, gross weight, in one outside package.

The gross weight of an outside package containing dry nitro-cellulose, packed as prescribed in paragraph 1555, must not exceed 35 pounds.

1559. *Marking*.—Boxes must be plainly marked on top and on one side or end, and kegs must be marked on one end, "High Explosive—Dangerous" in letters not less than seven-sixteenths of an inch in height. The top of boxes must be marked "This side up."

1560. *Car*.—For shipments of high explosives in any quantity the car must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 4.—Smokeless Powders.

Smokeless Powder for Cannon.

1571. *Packing*.—Smokeless powder for cannon must be packed in tight boxes free from loose knots and cracks, in barrels, or in kegs, that comply with General Rules E and F. Smokeless powder for cannon may be packed in water in strong barrels of the type used for alcohol.

1572. *Weight*.—Packages must not weigh over 165 pounds gross unless packed in water.

1573. *Marking*.—Each package must be plainly marked on top "Smokeless Powder for Cannon."

1574. *Car*.—Smokeless powder for cannon may be shipped in any box car in good condition. The car must be placarded "inflammable" as prescribed by paragraph 1663.

Smokeless Powder for Small-arms.

1575. *Packing*.—Packages of less than 9 pounds of smokeless powder for small-arms must be inclosed in a tight box so that the filling hole of each inside package will be up, and the box must be marked on top as prescribed by paragraph 1578.

1576. Quantities of 9 pounds or over must be placed in packages that comply with General Rules E and F. Kegs less than 9 inches long must be boxed as prescribed by paragraph 1541.

1577. *Weight*.—Packages must not weigh over 150 pounds gross.

1578. *Marking*.—Each outside package must be plainly marked on top "smokeless powder for small-arms."

1579. *Car*.—Shipments of smokeless powder for small-arms, in any quantity, require a car to be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 5.—Fulminate.

1591. *Packing*.—Fulminate of mercury in bulk must contain when packed not less than 25 per cent of water, and must, in this wet condition, be placed in a bag made of heavy cotton cloth of close mesh equal in quality and weight to the cotton twill used for pockets in high-grade clothing. There must be placed inside the bag and over the fulminate a cap of the same cloth and of the diameter of the bag, and the bag must be tied securely and placed in a strong grain bag which must, in turn, be tied securely and packed in the centre of a cask, or barrel in good condition, and of the kind used for shipment of alcohol. The grain bag must not contain more than 150 pounds dry weight of fulminate, and it must be surrounded on all sides by tightly packed sawdust not less than 6 inches thick. The cask or barrel must be lined with a heavy close-fitting jute bag closed by secure sewing to prevent escape of sawdust. After the barrel is properly coopered it must be filled with water and the bung seated. The barrel must be inspected carefully and all leaks stopped.

1592. *Marking*.—Each cask or barrel must be plainly marked "wet fulminate of mercury—dangerous."

1593. *Car*.—A car containing fulminate in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 6.—Ammunition.

Small-arms Ammunition.

1601. *Packing*.—Small-arms ammunition must be packed in pasteboard or other boxes, and these boxes must be packed in strong outside boxes.

Small-arms ammunition in pasteboard or other boxes, and in quantity not exceeding a gross weight of 75 pounds, may be packed with non-explosive and non-inflammable articles, and with small-arms primers or percussion caps (see par. 1619), provided the outside package is marked as prescribed in paragraph 1602.

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1602. *Marking*.—Each outside package or case must be plainly marked "small-arms ammunition."

1603. *Car*.—No restrictions, other than proper packing and marking, are necessary for the shipment of small-arms ammunition.

Ammunition for Cannon.

1604. *Packing*.—Ammunition for cannon must be well packed and properly secured in strong boxes.

1605. *Marking*.—Each outside package must be plainly marked "ammunition for cannon with explosive projectiles," or "ammunition for cannon with empty projectiles," or "ammunition for cannon with sand-loaded projectiles," according as the projectiles do or do not contain a bursting charge, or "ammunition for cannon without projectiles."

1606. *Car*.—A car containing ammunition for cannon with explosive projectiles must be certified and placarded as prescribed by paragraphs 1661 and 1666. This is not required when explosive projectiles are not included, but in this case cars must be protected by, the "inflammable" placard, as prescribed by paragraph 1663.

Explosive Projectiles.

1607. *Packing*.—Explosive projectiles must be packed in strong boxes, and each projectile must be properly secured.

1608. *Weight*.—The gross weight of a box containing more than one projectile must not exceed 160 pounds.

1609. *Marking*.—Each exterior package must be plainly marked "Explosive Projectile," "Sand-loaded Projectile," or "Empty Projectile." No restrictions, other than proper marking, are necessary for the shipment of sand-loaded projectiles, or empty (including solid) projectiles.

1610. *Car*.—For explosive projectiles in any quantity the car must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Blasting Caps.

1611. *Packing*.—Blasting caps contain such a sensitive and dangerous explosive that very efficient packing is necessary.

(a) Blasting caps must be packed in strong tin receptacles, in which they must fit snugly, and the caps must be closed securely by teats projecting from a plate of suitable elastic material placed inside the box and over the caps. Not more than 100 blasting caps may be packed in a single tin box. All separate tin boxes must then be packed snugly in cartons or wrappings made of paper or pasteboard.

(b) For not more than 1,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber not less than three-eighths of an inch in thickness, and they must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material.

(c) For not more than 5,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber at least one-half inch thick; and they must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material.

(d) For more than 5,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber not less than three-eighths of an inch in thickness, or in a hermetically sealed metal box made of not less than 30 gauge United States standard. This inside wooden or metal box must then be packed in an outside box made of sound lumber not less than one inch in thickness. Tightly packed sawdust, excelsior, or equivalent cushioning material at least one inch thick at all points must separate the inside box from the outside wooden box.

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(e) More than 20,000 blasting caps must not be placed in one outside package.

(f) Five tin boxes containing not more than 100 caps in each box may be packed with safety fuse, each box to be placed in the centre of a coil of fuse, and in this case the outside box may be made of sound lumber of not less than three-eighths inch thick, and must be marked as prescribed in paragraph 1648.

(g) Electric blasting caps must be packed in pasteboard cartons containing not more than 50 caps each. These cartons must be packed in a wooden box made of lumber not less than one-half inch in thickness.

1612. *Weight*.—The gross weight of an outside package containing blasting caps, or electric blasting caps, must not exceed 150 pounds.

1613. *Marking*.—Each outside package must be plainly marked "(number) Blasting Caps—Handle Carefully," or "(number) Electric Blasting Caps—Handle Carefully." In addition each box must bear the marking, "Do not Store or Load with any high Explosive." (See also par. 1648 for marking when packed with safety fuse.)

1614. *Car*.—Certificate and placard, as prescribed by paragraphs 1661 and 1666, are required for shipments of blasting caps in any quantity, except that not more than 500 blasting caps, or 500 electric blasting caps, may be transported in a box car in good condition without car certificates or placard.

Detonating Fuses.

1615. *Packing*.—Detonating fuses must be packed in strong, tight boxes, and each fuse must be well secured.

1616. *Weight*.—The gross weight of one outside package must not exceed 150 pounds.

1617. *Marking*.—Each outside package must be plainly marked "Detonating Fuses—Handle Carefully."

1618. *Car*.—A car containing detonating fuses in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Primers, Percussion and Time Fuses.

1619. *Packing*.—Primers, percussion and time fuses must be packed in strong, tight boxes, with special provision for securing individual packages of primers and fuses against movement in the box.

Small-arms primers containing anvils must be packed in cellular packages with partitions separating the layers and columns of primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all of the primers.

Percussion caps may be packed in metal or other boxes containing not more than 500 caps, but the construction of the cap, and the kind and quantity of explosives in each, must be such that the explosion of a part of the caps in the completed shipping package will not cause the explosion of all of the caps.

Small-arms primers and percussion caps may form a part of the gross weight of 75 pounds of small-arms ammunition that may be packed with other articles as authorized by paragraph 1601.

1620. *Weight*.—The gross weight of one outside package must not exceed 150 pounds.

1621. *Marking*.—Each outside box must be plainly marked "Small-Arms Primers—Handle Carefully," or "Percussion Caps—Handle Carefully," or "Cannon Primers—Handle Carefully," or "Combination Primers—Handle Carefully," or "Percussion Fuses—Handle Carefully," or "Combination Fuses—Handle Carefully," or "Percussion Tracer Fuses—Handle Carefully," etc.

1622. No restrictions other than proper packing and marking are necessary for the shipment of primers, percussion and time fuses.

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GROUP 7.—FIREWORKS.

Common Fireworks.

1641. *Packing*.—Common fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade, and must be securely packed in strong, tight, spark-proof wooden boxes or barrels that comply with General Rules E and F.

1642. *Marking*.—Each outside package must be plainly marked "Common Fireworks—Keep Fire Away."

1643. *Car*.—Common fireworks may be shipped in a box car which is in good condition (see par. 1663), but they must not be loaded in the same car with explosives. (See par. 1680.)

A car containing any quantity of common fireworks must be protected by the "Inflammable" placard. (See par. 1663.)

Special Fireworks.

1644. *Packing*.—Special fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade, and must not contain forbidden fireworks. (See par. 1501 (f) to (k) inclusive.) All outside boxes or barrels must be spark-proof, and must comply with General Rules E and F.

Lock-corner boxes must be made of sound lumber, tongued and grooved, and the thickness must not be less than three-eighths inch for a gross weight of 30 pounds or under; and for a gross weight exceeding 30 pounds and not exceeding 65 pounds the ends must be not less than nine-sixteenths inch, with sides, tops, and bottoms three-eighths inch thick. When the gross weight exceeds 65 pounds the ends must be battened.

If nailed boxes are used of the same thickness of lumber specified for lock-corner boxes, horizontal and vertical cleats not less than three-fourths of the thickness of the ends, and not less than $\frac{1}{4}$ inches wide, must be used on the ends; or in the absence of such cleats the tops, sides, and bottoms must be thicker by three-sixteenths inch, and the ends thicker by one-fourth inch, than specified for lock-corner boxes.

All boxes must be tongued and grooved.

1645. *Weight*.—The gross weight of one outside package containing special fireworks must not exceed 200 pounds, and the gross weight of a package containing toy torpedoes must not exceed 65 pounds.

1646. *Marking*.—Each outside package containing special fireworks, or a mixture of common and special fireworks, must be plainly marked "Special Fireworks—Handle Carefully—Keep Fire Away."

1647. *Car*.—Special fireworks may be shipped in any box car which is in good condition (see par. 1663), but they must not be loaded in the same car with explosives (see par. 1680). A car containing any quantity of special or other fireworks must be protected by the "Inflammable" placard. (See par. 1663.)

Safety Fuse and Safety Squibs.

1648. Safety fuse and safety squibs must be packed in strong wooden boxes or barrels, properly marked, and may be loaded in any car with any other kind of an explosive or inflammable substance, or with other freight.

When blasting caps are packed with safety fuse [see par. 1611 (f)] the outside package must be made of lumber not less than three-eighths inch thick, and must be marked "(number) BLASTING CAPS PACKED WITH SAFETY FUSE," "DO NOT LOAD OR STORE WITH ANY HIGH EXPLOSIVE," as prescribed by paragraph 1613.

SECTION 3.—SELECTION AND PREPARATION OF CARS.

1661. The safe transportation of explosives depends very largely upon the kind and condition of the car in which they are loaded.

For the transportation of carloads or less than carload lots of—

Black powder,
 High explosives,
 Smokeless powder for small-arms,
 Wet fulminate of mercury,
 Blasting caps, (excepting a shipment of not more than 500 blasting
 Electric blasting caps, } caps or 500 electric blasting caps. (See par. 1614.)
 Ammunition for cannon with explosive projectiles,
 Explosive projectiles, or
 Detonating fuses,

only certified and placarded box cars may be used. (See par. 1662, 1665, and 1666.)

1662. Certified cars must be inspected inside and outside, and must conform to the following specifications:

(a) Not less than 60,000 pounds capacity. Steel underframe box cars or other box cars with friction draft gear should be used when available. On narrow-gauge and other railroads, all of whose freight cars are of less than 60,000 pounds capacity, explosives may be transported in cars of less than that capacity, provided the available cars of greatest capacity and strength are used for this purpose.

(b) Must be equipped with air brakes and hand-brakes in condition for service.

(c) Must have no loose boards or cracks in the roof, sides, or ends.

(d) The doors must shut so closely that no sparks can get in at the joints, and,

(d) The doors must shut so closely that no sparks can get in at the joints, and, when necessary, they must be stripped. The stripping for flush doors should be on the inside and be nailed to the door frame, where it will form a shoulder against which the closed door is pressed. The openings under the doors should be similarly closed. When doors are not stripped the hasp fastenings must be examined with doors closed and fastened, and must be cleared when necessary to prevent door shifting.

(e) The journal boxes and trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hot boxes, or other failure, necessitating the setting off of the car before reaching destination. The lids or covers of journal boxes must be in place.

(f) The car must be carefully swept out before it is loaded. Holes in the floor or lining must be repaired, and special care taken to have no projecting nails or bolts, or exposed pieces of metal, which may work loose, or produce holes in packages of explosives during transit.

(g) When the car is to be fully loaded with explosives, or when explosives are loaded over exposed draft bolts or kingbolts, these bolts must have short pieces of solid, sound wood (2 inch plank) spiked to the floor over them to prevent possibility of their wearing into the packages of explosives.

(h) The roof of the car must be carefully inspected from the outside for decayed spots, especially under or near the running board, and such spots must be covered to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, must not be used.

(i) When explosives are to be carried in a "way car"¹ one should be selected with flush doors in good condition, or with doors fitting so tightly that stripping will not be necessary.

(k) The carrier must have car examined to see that it is properly prepared, and must have a "Car certificate" signed in triplicate upon the prescribed form (see par. 1665) before permitting the car to be loaded.

¹ A "way car" is one from which shipments are unloaded by the train crew.

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(l) Cars not in proper condition, as above specified, must not be furnished to the shipper, or used for the transportation of explosives.

1663. (a) Carloads or less than carload lots of—

Ammunition for cannon with empty projectiles,
Ammunition for cannon with sand-loaded projectiles,
Ammunition for caunon without projectiles,
Smokeless powder for cannon, or
Fireworks,

may be loaded in any box car which is in good condition into which sparks cannot enter, and whose roof is not in danger of taking fire through unprotected decayed wood.

These cars do not require the car certificate, but must have attached to both sides and both ends the "INFLAMMABLE" placard prescribed by paragraph 1698, and the doors must be stripped when necessary.

(b) Carloads or less than carload lots of—

Small arms ammunition,
Primers,
Percussion fuses,
Time or combination fuses,
Safety fuse and safety squibs,

may be loaded in any box car which is in good condition, without car certificate or placards.

Placarding of Cars and Certification of Contents.

1664. Uniform practice is important, and the prescribed forms of car certificates and placards must be used.

1665. *Car Certificate.*—The following certificate (prescribed by par. 1662 k) printed on strong tagboard measuring 7 by 7 inches, must be duly executed in triplicate by the carrier, and by the shipper if he loads the shipment. The original must be filed by the carrier at the forwarding station on a separate file, and the other two must be attached to the outside of the car doors, one on each side, the lower edge of the certificate $4\frac{1}{2}$ feet above the floor level.

Car Certificates.

No. 1. Station.....19..

I hereby certify that I have this day personally examined.....car No....., and that the roof and sides have no loose boards, holes, or cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the kingbolts or draft bolts are properly protected, and that there are no uncovered irons or nails projecting from the floor or sides of the car which might injure packages of explosives; also that the floor is in good condition and has this day been cleanly swept before the car was loaded; that I have examined all the axle boxes and that they are properly covered, packed and oiled, and that the air brake- and hand brakes are in condition for service.

No. 2. Station.....19..

I hereby certify that I have this day personally examined the above car; that the floor is in good condition and has been cleanly swept, and that the roof and sides have no loose boards, holes, cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the king bolts and draft bolts are protected, and that there are no uncovered irons or nails projecting from the floor or sides of the car which might

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injure packages of explosives; that the explosives in this car have been loaded and stayed, and that the car has been placarded according to paragraphs 1661, 1666, and 1674 to 1683 inclusive, of the Regulations for the Transportation of Explosives prescribed by the Board of Railway Commissioners for Canada; that the doors fit or have been stripped so that sparks cannot get in at the joints or bottom.

NOTE.—Both certificates must be signed. Certificate No. 1 by the representative of the carrier. For all shipments loaded by the shipper, he or his authorized agent must sign certificate No. 2, and the representative of the carrier must certify as to loading and staying and general condition. When the car is not loaded by shipper, certificate No. 2 must be signed only by the representative of the carrier. A shipper should decline to use a car not in proper condition.

1666. *Placard*.—Each car containing any of the explosives specified in paragraph 1661 in any quantities, excepting a shipment of not more than 500 blasting caps or 500 electric blasting caps (see par. 1614), must be protected by attaching to the outside of the car on both sides and ends, the lower edge $4\frac{1}{2}$ feet above the car floor, a standard placard 12x14 inches, on which will appear in conspicuous red and black printing on strong tag board the following notice:

..... R.....Company
EXPLOSIVES.
(To be printed in red.)
HANDLE CAREFULLY.
KEEP FIRE AWAY.
(To be printed in red.)
.....Station.. 19..

Condensed rules for handling this car.

1. This car must not be placed in a passenger train, nor in a mixed train.
 2. Cars containing explosives must be near centre of train, and may be together if desired; and must be at least 15 cars from engine and 10 cars from caboose when length of train will permit.
 3. Cars containing explosives must not be placed next to cars bearing the inflammable or the acid placard, or cars containing lighted heaters. Whenever it is possible to avoid so doing they must not be placed next to tank cars or flat cars, or next to carloads of lumber, poles, iron, pipe, or other articles liable to break through end of car from rough handling.
 4. The air and hand brakes on this car must be in service.
 5. In shifting, have a car between this car and engine wherever possible, and do not cut this car off while in motion.
 6. Avoid all shocks to this car, and couple carefully.
 7. Avoid placing it near a possible source of fire.
 8. Engines on parallel track must not be allowed to stand opposite or near this car when it can be avoided.
 9. This placard must be removed from car when the explosives are unloaded.
1667. A car containing any of the explosives (as prescribed in par. 1661) must not be permitted to leave a station or siding without having the certificates and placard prescribed in paragraphs 1665 and 1666 securely and properly affixed.

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1668. (a) *Shipper's Certificate*.—The shipping order for any package containing an explosive named below must show each article under its proper name as specified in this paragraph, and must show in the lower left-hand corner over the signature of the shipper, or of his duly authorized agent, written or stamped (not printed) with facsimile stamp, the following certificate;

"This is to certify that the above articles are properly described by name, and are packed, marked, and are in proper condition for transportation, according to the regulations prescribed by the Board of Railway Commissioners for Canada."

List of Shipping Names.

Black powder.

High explosives.

Smokeless powder for cannon.

Smokeless powder for small-arms.

Wet fulminate of mercury.

Ammunition for cannon with explosive projectiles.

Ammunition for cannon with empty projectiles.

Ammunition for cannon with sand-loaded projectiles.

Ammunition for cannon without projectiles.

Explosive projectiles.

Detonating fuses.

(Number) blasting caps.

(Number) blasting caps with safety fuse.

(Number) electric blasting caps.

Common fireworks.

Special fireworks.

(b) *Waybilling*.—The carrier must see that the shipment is properly described on the revenue waybill under one of the above names, and that the correct gross weight is given.

The revenue waybill, card waybill, and envelope containing revenue waybill when used as a card waybill, for a car containing any quantity of the explosives named in paragraph 1661, except a shipment of blasting caps or electric blasting caps not exceeding 500 caps, must have plainly stamped or plainly written across the top the word "EXPLOSIVES" in letters not less than three-eighths of an inch high.

1669. (a) If shipments of explosives named in paragraph 1661 are accepted at non-agency stations, provision must be made for the proper certification and placarding of cars, examination of shipments, and loading and staying of packages in cars.

(b) Shipments of explosives named in paragraph 1661 must not be unloaded at non-agency stations unless the consignee is there to receive them, or unless proper storage facilities are provided at that point for their protection.

Shipments from Connecting Lines.

1670. Cars containing explosives as specified in paragraph 1661 which are offered by connecting lines must be carefully inspected, without unnecessary disturbance of lading by the receiving line, to see that these regulations have been complied with, and the car must not be forwarded until all discovered violations are corrected. (See General Rule G.)

Shipments of explosives offered by connecting lines must comply with these regulations, and the revenue waybill, freight bill, manifest of lading, card waybill, switching order, or other billing, must bear the indorsement prescribed by paragraph 1668.

Handling of Explosives.

1671. In handling packages of explosives at stations, and in transferring them to and from cars, the greatest care must be taken, and shocks or falls liable to injure the

containing package must be avoided. Where an inclined chute is employed, such chute must be constructed of 1-inch planed boards, with side guards 4 inches high extending 3 inches above top face of bottom of chute and throughout its length, fastened with brass screws. D-shaped strips or runners, not more than 6 inches apart and running lengthwise of chute, must be fastened to the upper surface of the bottom board by means of glue and wooden pegs extending through the bottom board and runners. Chutes must be occasionally wiped down with waste moistened with machine oil when dynamite packages are being handled.

A stuffed mattress, 4 feet wide by 6 feet long and not less than 4 inches thick, or a heavy jute or hemp mat of like dimensions, must be placed under the discharging end of the chute.

1672. Careful men must be chosen to handle explosives; the platform and the feet of the men must be as free as possible from grit, and all possible precautions must be taken against fire. Unauthorized persons must not be allowed to have access to explosives at any time while they are in the custody of the carrier. Suitable provisions must be made, outside of the station when practicable, for the safe storage of explosives, and every effort possible must be made to reduce the time of this storage. If a shipment of explosives is not removed within 48 hours after notice of arrival at destination (see General Rule D), it must be disposed of by returning it to the shipper, or by storage at the expense of the owner, or by sale, or, when necessary to safety, by destruction under supervision of a competent person.

Loading in Car.

1674. Packages receive their greatest stresses in a direction parallel to the length of the car, and must be loaded so as to offer their greatest resistance in this direction. Boxes of explosives when loaded in the car must rest on their bottoms, and with the long dimension parallel to the length of the car. A car must not contain more than 70,000 pounds gross weight of explosives. This limit does not apply to shipments of ammunition.

1675. Explosives packed in round kegs, except when boxed, must be loaded on their side with heads towards ends of the car; and they must not be placed in the space opposite the doors, unless the doorways are boarded on the inside as high as the lading.

Large casks, barrels, or drums may be loaded on their sides or ends, as will best suit the conditions.

1676. Packages containing any of the explosives for the transportation of which a certified and placarded car is prescribed (see par. 1661) must be stayed (blocked and braced) by the one who loads the car, to prevent change of position by the ordinary shocks incident to transportation.¹ Special care must be used to prevent them from falling to the floor or from having anything fall on them, or slide against them, during transit. To prevent delays to way-freight trains, when there is more than one shipment of explosives loaded in a 'peddle' or 'way car,' each shipment must be stayed separately. Forwarding and transfer stations for explosives must be provided with the necessary materials for staying.

Shippers must furnish the material for staying packages loaded by them.

1677. Detonating fuses or blasting caps, or electric blasting caps, must not be loaded in a car or stored with high explosives of any kind, including explosive projectiles, nor with wet nitro-cellulose, nor with smokeless powder for small-arms.

1678. Fulminates in bulk must not be loaded with any explosive or inflammable article.

1679. When necessary, detonating fuses may be assembled in explosive projectiles shipped by the Dominion Government.

¹For recommended methods see Bureau of Explosives. Pamphlet No. 6.

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1680. Fireworks must not be loaded in the same car with any other explosive except small-arm ammunition, primers, percussion fuses, time or combination fuses, safety fuse, and safety squibs.

1682. Explosives covered by these regulations, other than fireworks, small-arms ammunition, primers, percussion fuses, time or combination fuses, safety fuses, or safety squibs, must not be transported in the same car with, nor stored on, railway property near any of the dangerous articles for which labels are prescribed by the Regulations for the Transportation of Dangerous Articles other than Explosives by Freight.

When practicable at any point, certain and separate days should be assigned for receiving from shippers less than carload lots of explosives named in paragraph 1661.

1683. In a car containing explosives all packages of other freight must be so loaded and stowed as to prevent injury to packages of explosives during transit. When it is possible explosives should be loaded so as to avoid transfer at stations.¹

Handling Cars Containing Explosives.

Cars containing explosives of any kind must not be hauled in any passenger or mixed train.

1684. Every possible effort must be made to expedite the movement of cars containing explosives.

1685. The phrase "cars containing explosives" as used in this and subsequent paragraphs, excepting paragraph 1697, refers to the explosives specified in paragraph 1661.

1686. Cars containing explosives must be placed near the middle of the train, and two or more such cars may be placed together if desired. They must be at least 15 cars from the engine and 10 cars from the caboose when length of train will permit.

In local freight trains, to avoid the danger of otherwise unnecessary switching at way stations, cars containing explosives may be placed not closer than the second car from the caboose or the second car from the engine.

1687. Cars containing explosives must have air and hand brakes in service. They must not be placed next to cars bearing the inflammable or the acid placard, or cars containing lighted heaters. Whenever it is possible to avoid so doing they must not be placed next to tank cars or flat cars, or next to carloads of lumber, poles, iron, pipe, or other articles liable to break through end of car from rough handling.

1688. When hauling cars containing explosives in yards or on sidings, they must, if it is practically possible, be coupled to the engine protected by a car between, and they must never be cut off while in motion.

They must be coupled carefully, and all unnecessary shocks must be avoided. Other cars must not be allowed to strike a car containing explosives. They must be so placed in yards, or on sidings, that they will be subject to as little handling as possible, and be removed from all danger of fire; and, when avoidable, engines on parallel tracks must not be allowed to stand opposite or near them.

1689. Under no circumstances must a car known to require the "EXPLOSIVE" placard be taken from a station, including transfer stations, or a siding, unless it is properly carded in accordance with paragraphs 1661 and 1666; nor unless the car is in proper condition.

1690. When a car containing explosives is in a train, the carrier must make proper provision for notifying its train and engine employees of the presence and location of such car in the train before leaving the initial station.

1691. Such cars must be frequently inspected to see that the carding is intact. Whenever any of these cards become detached or lost in transit they must be replaced on arrival at the next division terminal yard.

¹ At stations where it is necessary to handle explosives at night it is recommended that incandescent electric lights be provided.

1692. Unless otherwise arranged for, when a car containing explosives is to be transferred, unloaded, or stored for any purpose, at a given junction, station, or yard, the carrier must provide for due notice, by wire, to such station, of the probable time of arrival and the number of cars (not car numbers), in order that proper provision may be made at that point for handling the same.

1693. At points where trains stop, cars containing explosives and adjacent cars must be examined to see if they are in good condition, and free from hot boxes or other defects liable to cause damage. If cars containing explosives are set out short of destination for any cause the carrier must arrange that proper notice be given to prevent accident.

1694. Whenever a car containing explosives is opened for any purpose, inspection must be made of the packages of explosives to see that they are properly stowed and in good condition, and that no box of dynamite is standing on its end or side. Upon the discovery of leaking dynamite, or loose powder, the defective packages must be carefully removed to a safe place. Loose powder or other explosives must be swept up and carefully removed. If the floor is wet with nitro-glycerine, the car is unsafe to use, and a local inspector of the Bureau of Explosives should be immediately called to superintend the thorough mopping and washing of the floor with a warm, saturated solution of concentrated lye or sodium carbonate. If necessary, the car must be placed on an isolated siding and proper notice be given. (See pars. 1534 and 1535.)

1695. *Removal of Placards.*—The certificates and placards prescribed in paragraphs 1665 and 1666 must be removed from the car as soon as the explosives are unloaded.

In case of a wreck.

1697. In case of a wreck involving a car containing explosives, the first and most important precaution is to prevent fire. Although most of the group "High explosives" may burn in small amounts quietly and without causing a disastrous explosion, yet everything possible must be done to keep fire away. Before beginning to clear a wreck in which a car containing explosives is involved, all unbroken packages should be removed to a place of safety, and as much of the broken packages as possible be gathered up and likewise removed, and the rest should be saturated with water. Many explosives are readily fired by a blow, or by the spark produced when two pieces of metal or a piece of metal and a stone come violently together. In clearing a wreck, therefore, care must be taken not to strike fire with tools, and in using the crane or locomotive to tear the wreckage in pieces the possibility of producing sparks must be considered. With most explosives thorough wetting with water practically removes all danger of explosion by spark or blow; but with the dynamites wetting does not make them safe from blows. With all explosives, mixing with wet earth renders them safer from either fire, spark, or blow. In case fulminate has been scattered by a wreck; after the wreck has been cleared the top surface of the ground should be removed, and, after saturating the area with oil, be replaced, by fresh earth. If this is not done, when the ground and fulminate become dry, small explosions may occur when the mixed material is trodden on or struck.

"Inflammable" placard.

1698. A white placard of diamond shape, printed on strong tagboard measuring 15 inches on each diagonal, 10½ inches on each side, and bearing in red and black letters the following inscription, "INFLAMMABLE—KEEP LIGHTS AND FIRES AWAY—HANDLE CAREFULLY" must be placed on each outside end and side of a car containing any quantity of smokeless powder for cannon, or ammunition for cannon with empty projectiles, or ammunition for cannon with sand-loaded projectiles, or ammunition for cannon without projectiles, or fireworks.

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EXCEPTION.

Provided that explosives packed in conformity with the laws of the United Kingdom of Great Britain and Ireland relating thereto, and handled, loaded and carried, by routes entirely within Canada, in accordance with the regulations hereinbefore prescribed, may be carried from the Canadian port of importation to their destination in Canada, or through Canada "en route" to a foreign country other than the United States of America; also from the Canadian destinations aforesaid by re-shipment, or from the place of manufacture in Canada, if consigned in either case to a foreign country other than the United States of America.

GENERAL ORDER No. 101.

SATURDAY, the 1st day of February, 1913.

In the matter of the application of the Sanitaris, Limited, of Arnprior, White & Company of Toronto, the Board of Trade of the City of Hamilton, and others, for an Order directing railway companies to furnish during cold weather heated cars for the carriage of perishable freight: File 18855.

Whereas, by order of the board No. 15819, dated January 18, 1912, all railway companies subject to the jurisdiction of the Parliament of Canada were directed forthwith to re-establish the system or systems in practice by them, during the winter of 1910-11, of carrying less than carload lots in heated cars, and to grant to all shippers the rights and privileges of such shipping facilities in respect to such traffic as were in force upon their various lines during the said winter, until further order, or until the reasonableness of the withdrawal of such facilities could be passed upon by the board.

And whereas, by general order No. 98, dated the 6th day of December, 1912, railway companies subject to the jurisdiction of the board, operating in Eastern Canada, were required to furnish to any shipper a heated refrigerator car, or cars, for the carriage during cold weather of fruit, vegetables, and eggs, in less than carload quantities, subject to certain conditions specified in the order.

And whereas the Canadian Pacific Railway Company interprets the said general order as superseding the said order No. 15819, and has discontinued the heated car service in respect of freight shipments not specifically provided for in the general order, and notwithstanding the fact that it has been notified, under the direction of the board, that the intention of the said general order was not in any way to cancel or supersede the provisions of the previous order, the company refuses to carry out the terms of the said order No. 15819.

Now therefore the board orders and declares that the said general order No. 98 shall not be taken or construed as in substitution for, or in cancellation of, the said order No. 15819, but as in addition thereto; and the Canadian Pacific Railway Company is hereby directed forthwith to comply with and carry out the terms and requirements of the said order No. 15819, dated January 18, 1912.

H. L. DRAYTON,
Chief Commissioner.

File No. 11654:

GENERAL ORDER No. 102.

Monday, the 17th day of February, A.D. 1913.

In the matter of sections 264 and 268 of the Railway Act, and the question of standardizing safety appliance equipment to conform to the requirements of the Interstate Commerce Commission.

In pursuance of the powers conferred on the board by sections 90, 264 and 268 of the Railway Act, and of all other powers possessed by it in that behalf; upon the

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report and recommendation of its operating officers, made after consultation with representatives of the Grand Trunk, Canadian Northern, Canadian Pacific, and New York Central Railway Companies, and the Michigan Central Railroad Company; and after the hearing of the matter at sittings of the board held in the city of Ottawa, February 4, 1913, at which Counsel and representatives for the Canadian Pacific, Grand Trunk, New York Central, and Canadian Northern Railway Companies, and the Pere Marquette and Michigan Central Railroad Companies were present, the Brotherhood of Locomotive Engineers, Railway Conductors, Railway Trainmen, and Locomotive Firemen and Enginemen being represented at the hearing—

It is ordered,

1. That all railway equipment constructed or reconstructed subsequent to the first day of May, 1913, and used on railways owned or operated by companies within the legislative authority of the Parliament of Canada, be as set forth in the "Regulations With Respect to Railway Safety-Appliance Standards" made by the board and dated February 17, 1913.

2. That order of the board No. 6027, dated November 25, 1908, be rescinded; that order No. 8145, dated September 14, 1909, be amended by striking out the words, "its freight vans with coupler-operating levers, and", in the third and fourth lines of clause 1 of the operative part of the order; and that order No. 12225, dated November 9, 1910, be amended by striking out clause 3 of the said order.

3. That all such railway companies complete, by the 31st day of December, 1915, the work of reconstructing and standardizing their said equipment, so as to conform with the requirements herein approved and adopted.

H. L. DRAYAON,

Chief Commissioner.

REGULATIONS REGARDING RAILWAY SAFETY-APPLIANCE STANDARDS.

The following are, and shall be until further action by the board in relation thereto, the Safety-Appliance Standards for all railway equipment constructed or reconstructed subsequent to the 1st day of May, 1913, and used on railways owned or operated by companies within the legislative authority of the Parliament of Canada,—as per general order No. 102, dated the 17th day of February, 1913:—

BOX AND OTHER HOUSE CARS.

Hand-brakes.—Number: Each box or other house car shall be equipped with an efficient handbrake which shall operate in harmony with the power-brake thereon.

The hand-brake may be of any efficient design, but must provide the same degree of safety as the design shown on Plate A.

Dimensions: The brake-shaft shall be not less than one and one-fourth (1½) inches in diameter, of wrought iron or steel without weld.

The brake-heel may be flat or dished, not less than fifteen (15), preferably sixteen (16) inches in diameter, of malleable iron, wrought iron or steel.

Location: The hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on end of car, to the left of and not less than seventeen (17) nor more than twenty-two (22) inches from centre.

Manner of application: There shall be not less than four (4) inches clearance around rim of brake-wheel.

Outside edge of brake-wheel shall be not less than four (4) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill.

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Top brake-shaft support shall be fastened with not less than one-half ($\frac{1}{2}$) inch bolts or rivets. (See Plate A.)

A brake-shaft step shall support the lower end of brake-shaft. A brake-shaft step which will permit the brake-chain to drop under the brake-shaft shall not be used. U-shaped form of brake-shaft step is preferred. (See Plate A.)

Brake-shaft shall be arranged with a square fit at its upper end to secure the hand-brake wheel; said square fit shall be not less than seven-eighths ($\frac{7}{8}$) of an inch square. Square-fit taper; nominally two (2) in twelve (12) inches. (See Plate A.)

Brake-chain shall be of not less than three-eighths ($\frac{3}{8}$), preferably seven-sixteenths ($\frac{7}{16}$), inch wrought iron or steel, with a link on the brake-rod end of not less than seven-sixteenths ($\frac{7}{16}$), preferably one-half ($\frac{1}{2}$), inch wrought iron or steel, and shall be secured to brake-shaft drum by not less than one-half ($\frac{1}{2}$) inch hexagon or square-headed bolt. Nut on said bolt shall be secured by riveting end of bolt over nut. (See Plate A.)

Lower end of brake-shaft shall be provided with a trunnion of not less than three-fourths ($\frac{3}{4}$), preferably one (1), inch in diameter extending through brake-shaft step and held in operating position by a suitable cotter or ring. (See Plate A.)

Brake-shaft drum shall be not less than one and one-half ($1\frac{1}{2}$) inches in diameter. (See Plate A.)

Brake ratchet-wheel shall be secured to brake shaft by a key or square fit; said square fit shall be not less than one and five-sixteenths ($1\frac{5}{16}$) inches square. When ratchet-wheel with square fit is used provision shall be made to prevent ratchet-wheel from rising on shaft to disengage brake-pawl. (See Plate A.)

Brake ratchet-wheel shall be not less than five and one-fourth ($5\frac{1}{4}$) preferably five and one half ($5\frac{1}{2}$), inches in diameter and shall have not less than fourteen (14), preferably sixteen (16) teeth. (See Plate A.)

If brake ratchet-wheel is more than thirty-six (36) inches from brake-wheel, a brake-shaft support shall be provided to support this extended upper portion of brake-shaft; said brake-shaft support shall be fastened with not less than one-half ($\frac{1}{2}$) inch bolts or rivets.

The brake-pawl shall be pivoted upon a bolt or rivet not less than five-eighths ($\frac{5}{8}$) of an inch in diameter, or upon a trunnion secured by not less than one-half ($\frac{1}{2}$) inch bolt or rivet, and there shall be a rigid metal connection between brake-shaft and pivot of pawl.

Brake-wheel shall be held in position on brake-shaft by a nut on a threaded extended end of brake-shaft; said threaded portion shall be not less than three-fourths ($\frac{3}{4}$) of an inch in diameter said nut shall be secured by riveting over or by the use of a lock nut or suitable cotter.

Brake-wheel shall be arranged with a square fit for brake-shaft in hub of said wheel; taper of said fit, nominally two (2) in twelve (12) inches. (See Plate A.)

Brake-step.—If brake-step is used, it shall be not less than twenty-eight (28) inches in length. Outside edge shall be not less than eight (8) inches from face of car and not less than four (4) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill.

Manner of application: Brake-step shall be supported by not less than two metal braces having a minimum cross-section area three-eighths ($\frac{3}{8}$) by one and one-half ($1\frac{1}{2}$) inches or equivalent, which shall be securely fastened to body of car with not less than one-half ($\frac{1}{2}$) inch bolts or rivets.

Running-Boards.—Number: One (1) longitudinal running-board.

On outside metal-roof cars two (2) latitudinal extensions.

Dimensions: Longitudinal running-board shall be not less than eighteen (18) preferably twenty (20) inches in width.

Latitudinal extensions shall be not less than twenty-four (24) inches in width.

Location: Full length of car, centre of roof.

On outside metal-roof cars there shall be two (2) latitudinal extensions from longitudinal running-board to ladder locations, except on refrigerator cars where such latitudinal extensions can not be applied on account of ice hatches.

Manner of application:—Running-boards shall be continuous from end to end and not cut or hinged at any point: Provided, that the length and width of running boards be made up of a number of pieces securely fastened to saddle-blocks with screws or bolts.

The ends of longitudinal running-board shall be not less than six (6) nor more than ten (10) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill; and if more than four (4) inches from edge of roof of car, shall be securely supported their full width by substantial metal braces.

Running-boards shall be made of wood and securely fastened to car.

Sill-steps.—Number: Six (6).

Dimensions: Minimum cross-sectional area one-half ($\frac{1}{2}$) by one and one-half ($1\frac{1}{2}$) inches, or equivalent, of wrought iron or steel.

Minimum length of tread, ten (10), preferably twelve (12) inches.

Minimum clear depth, eight (8) inches.

Location: One (1) near each end on each side of car, so that there shall be not more than eighteen (18) inches from end of car to centre of tread of sill-step. Also one (1) at each end of car centre of sill-step to be as nearly central with the ladder as possible.

Outside edge of tread of step shall be not more than four (4) inches inside of face of side of car, preferably flush with side of car.

Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Sill steps exceeding twenty-one (21) inches in depth shall have an additional tread.

Sill-steps shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Ladders.—Number: Four (4).

Dimensions: Minimum clear length of tread: Side ladders sixteen (16) inches; end ladders fourteen (14) inches.

Maximum spacing between ladder-treads, nineteen (19) inches.

Top ladder-tread shall be located not less than twelve (12) nor more than eighteen (18) inches from roof at eaves.

Spacing of side ladder treads shall be uniform within a limit of two (2) inches from top ladder tread to bottom tread of ladder.

Maximum distance from bottom tread of side ladder to top tread of sill step, twenty-one (21) inches.

End ladder treads shall be spaced to coincide with treads of side ladders, a variation of two (2) inches being allowed. Where construction of car will not permit the application of a tread of end ladder to coincide with bottom tread of side ladder, the bottom tread of end ladder must coincide with second tread from bottom of side ladder.

Hardwood treads, minimum dimensions one and one-half ($1\frac{1}{2}$) by two (2) inches.

Iron or steel treads, minimum diameter five-eighths ($\frac{5}{8}$) of an inch.

Minimum clearance of treads, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: One (1) on each side, not more than eight (8) inches from right end of car; one (1) on each end, not more than eight (8) inches from left side of car; measured from inside edge of ladder-stile or clearance of ladder treads to corner of car.

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Manner of application: Metal ladder without stiles near corners of cars shall have foot-guards or upward projections not less than two (2) inches in height near inside end of bottom treads.

Stiles of ladders, projecting two (2) or more inches from face of car, will serve as foot-guards.

Ladders shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets. Three-eighths ($\frac{3}{8}$) inch bolts may be used for wooden treads which are gained into stiles.

End-ladder clearance.—No part of car above end-sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-wheel, brake-step, running-board or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block, or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

Roof-handholds—Number: One (1) over each ladder.

One (1) right-angle handhold may take the place of two (2) adjacent specified roof-handholds, provided the dimensions and locations coincide, and that an extra leg is securely fastened to car at point of angle.

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clear length, sixteen (16) inches.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: On roof of car: One (1) parallel to treads of each ladder, not less than eight (8) nor more than fifteen (15) inches from edge of roof, except on refrigerator cars where ice hatches prevent, when location may be nearer edge of roof.

Manner of application: Roof-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Side-handholds.—Number: Four (4).

(*Tread of side-ladder is a side-handhold.*)

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: Horizontal: One (1) near each end on each side of car.

Side-handholds shall be not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, except as provided above, where tread of ladder is a handhold. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

Manner of application: Side-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Horizontal end-handholds.—Number: Eight (8) or more. (Four (4) on each end of car.)

(*Tread of end-ladder is an end-handhold.*)

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches, preferably twenty-four (24), inches.

A handhold fourteen (14) inches in length may be used where it is impossible to use one sixteen (16) inches in length.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: One (1) near each side on each end of car, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, except as provided above, when tread of end-ladder is an end-handhold. Clearance of outer end of handhold shall be not more than eight (8) inches from side of car.

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One (1) near each side of each end of car on face of end-sill or sheathing over end-sill, projecting outward or downward. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

On each end of cars with platform end-sills six (6) or more inches in width, measured from end-port or siding and extending entirely across end of car, there shall be one additional end-handhold not less than twenty-four (24) inches in length, located near centre of car, not less than thirty (30) nor more than sixty (60) inches above platform end-sill.

Manner of application: Horizontal end-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Vertical End-handholds.—Number: Two (2) on full-width platform end-sill cars, as heretofore described.

Dimensions: Minimum diameter five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clear length, eighteen (18), preferably twenty-four (24) inches.

Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: One (1) on each end of car opposite ladder, not more than eight (8) inches from side of car; clearance of bottom end of handhold shall be not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler.

Manner of application: Vertical end-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Uncoupling-levers.—Number: Two (2).

Uncoupling-levers may be either single or double, and of any efficient design.

Dimensions: Handles of uncoupling-levers, except those shown on Plate B or of similar designs, shall be not more than six (6) inches from sides of car.

Uncoupling-levers of design shown on Plate B and of similar designs shall conform to the following prescribed limits:

Handles shall be not more than twelve (12), preferably nine (9), inches from sides of cars. Centre lift-arms shall be not less than seven (7) inches long.

Centre of eye at end of centre lift-arm shall be not more than three and one-half ($3\frac{1}{2}$) inches beyond centre of eye of uncoupling-pin of coupler when horn of coupler is against the buffer-block or end-sill. (See Plate B.)

Ends of handles shall extend not less than four (4) inches below bottom of end-sill or shall be so constructed as to give a minimum clearance of two (2) inches around handle. Minimum drop of handles shall be twelve (12) inches; maximum, fifteen (15) inches over all. (See Plate B.)

Handles of uncoupling-levers of the "rocking" or "push-down" type shall be not less than eighteen (18) inches from top of rail when lock block has released knuckle, and a suitable stop shall be provided to prevent inside arm from flying up in case of breakage.

Location: One (1) on each end of car.

When single lever is used it shall be placed on left side of end of car.

HOPPER CARS AND HIGH-SIDE GONDOLAS WITH FIXED ENDS.

(Cars with sides more than thirty-six (36) inches above the floor are highside cars.)

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on end of car to the left of, and not more than twenty-two (22) inches from, centre.

Manner of application: Same as specified for "Box and other house cars."

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Brake-step.—Same as specified for "Box and other house cars."

Sill-steps.—Same as specified for "Box and other house cars."

Ladders.—Number: same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars," except that top ladder-tread shall be located not more than four (4) inches from top of car.

Location: Same as specified for "Box and other house cars."

Manner of Application: Same as specified for "Box and other house cars."

Side-handholds.—Same as specified for "Box and other house cars."

Horizontal end-handholds.—Same as specified for "Box and other house cars."

Vertical end-handholds.—Same as specified for "Box and other house cars."

Uncoupling-levers.—Same as specified for "Box and other house cars."

End-ladder clearance.—No part of car above end-sills within thirty (30) inches from side of car except buffer-block, brake-shaft, brake-wheel, brake-step or uncoupling lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

DROP-END HIGH-SIDE GONDOLA CARS.

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars." Location: each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car to the left of centre. Manner of application: Same as specified for "Box and other house cars."

Sill-steps.—Same as specified for "Box and other house cars."

Ladders.—Number: Two (2). Dimensions: Same as specified for "Box and other house cars" except that top ladder-tread shall be located not more than four (4) inches from top of car.

Location: One (1) on each side, not more than eight (8) inches from right end of car, measured from inside edge of ladder-stile or clearance of ladder-treads to corner of car.

Manner of application: Same as specified for "Box and other house cars."

Side-handholds.—Same as specified for "Box and other house cars."

Horizontal end-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

Uncoupling-levers.—Same as specified for "Box and other house cars."

End-ladder clearance.—No part of car above end sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

FIXED END, LOW-SIDE GONDOLA AND LOW-SIDE HOPPER CARS.

(Cars with sides thirty-six (36) inches or less above the floor are low-side cars.)

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car, to the left of and not more than twenty-two (22) inches from centre.

Manner of application: Same as specified for "Box and other house cars."

Brake-step.—Same as specified for "Box and other house cars."

**Sill-steps*.—Same as specified for "Box and other house cars."

Side-handholds.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each end on each side of car, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, if car construction will permit, but handhold shall not project above top of side. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

Manner of application: Same as specified for "Box and other house cars."

Horizontal end-handholds.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) near each side on each end of car not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, if car construction will permit. Clearance of outer end of handhold shall be not more than eight (8) inches from side of car. One (1) near each side of each end of car on face of end sill, projecting outward or downward. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

Uncoupling-levers.—Same as specified for "Box and other house cars."

End-ladder clearance.—No part of car above end-sills within thirty (30) inches from side of car except buffer-block, brake-shaft, brake-step, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-born against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

DROP-END LOW-SIDE GONDOLA CARS.

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars," provided that top brake shaft support may be omitted.

**Sill-steps*.—Same as specified for "Box and other house cars."

Side-handholds.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each end on each side of car, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, if car construction will permit, but handhold shall not project above top of side. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

Manner of application: Same as specified for "Box and other house cars."

End-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

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Uncoupling-levers.—Same as specified for "Box and other house cars."

End-ladder clearance.—No part of car above end sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

FLAT CARS.

(Cars with sides twelve (12) inches or less above the floor may be equipped the same as flat cars.)

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on the end of car to the left of centre, or on side of car not more than thirty-six (36) inches from right hand end thereof.

Manner of application: Same as specified for "Box and other house cars."

**Sill-steps.*—Same as specified for "Box and other cars."

Side-handholds.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sill near each end. Clearance of outer end of handhold shall be not more than twelve (12) inches from end of car.

Manner of application: Same as specified for "Box and other house cars."

End-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sill near each end. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

Uncoupling-levers.—Same as specified for "Box and other house cars."

TANK-CARS WITH SIDE-PLATFORMS.

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

**Sill-steps.*—Same as specified for "Box and other house cars."

Side-handholds.—Number: Four (4) or more.

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sills near each end. Clearance of outer end of handhold shall not be more than (12) twelve inches from end of car. If side safety-railings are attached to tank or tank-bands, four (4) additional vertical handholds shall be applied, one (1) as nearly as possible over each sill-step and securely fastened to tank or tank-band.

Manner of application: Same as specified for "Box and other house cars."

*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

End-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

Tank-head handholds.—Number: Two (2). (*Not required if safety railing runs around ends of tank.*)

Dimensions: Minimum diameter five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$) inches. Clear length of handholds shall extend to within six (6) inches of outer diameter of tank at point of application.

Location: Horizontal. One (1) across each head of tank not less than thirty (30) nor more than sixty (60) inches above platform.

Manner of application: Tank-head handholds shall be securely fastened.

Safety-railings.—Number: One (1) continuous safety-railing running around sides and ends of tank, securely fastened to tank or tank-bands at ends and sides of tank; or two (2) running full length of tank at sides of car supported by posts.

Dimensions: Not less than three-fourths ($\frac{3}{4}$) of an inch, iron.

Location: Running full length of tank either at side supported by posts or securely fastened to tank or tank-bands, not less than thirty (30) nor more than sixty (60) inches above platform.

Manner of application: Safety-railings shall be securely fastened to tank-body, tank-bands or posts.

Uncoupling-levers.—Same as specified for "Box and other house cars."

End-ladder clearance.—No part of car above end-sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-shaft brackets, brake wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

TANK CARS WITHOUT SIDE-SILLS AND TANK CARS WITH SHORT SIDE-SILLS AND END-PLATFORMS.

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while it is in motion.

The brake-shaft shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

Running-boards.—Number: One (1) continuous running-board around sides and ends; or two (2) running full length of tank, one (1) on each side.

Dimensions: Minimum width on sides, ten (10) inches. Minimum width on ends, six (6) inches.

Location: Continuous around sides and ends of cars. On tank cars having end platforms extending to bolsters, running-boards shall extend from centre to centre of bolsters, one (1) on each side.

Manner of application: If side running-boards are applied below centre of tank, outside edge of running-boards shall extend not less than seven (7) inches beyond bulge of tank.

The running-boards at ends of car shall be not less than six (6) inches from a point vertically above the inside face of knuckle when closed with coupler-horn against the buffer-block, end-sill or back-stop.

* End Sill-steps, as specified for Box and other House Cars, are required for Box and Other House Cars "ONLY."

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Running-boards shall be securely fastened to tank or tank-bands.

**Sill-steps.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) near each end on each side under side-handhold.

Outside edge of tread of step shall be not more than four (4) inches inside of face of side of car, preferably flush with side of car.

Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Same as specified for "Box and other house cars."

Ladders.—(If running-boards are so located as to make ladders necessary.)—

Number. Two (2) on cars with continuous running-boards.

Four (4) on cars with side running-boards.

Dimensions: Minimum clear length of tread ten (10) inches.

Maximum: Spacing of treads nineteen (19) inches.

Dimensions: Hard-wood treads, minimum dimensions, one and one-half ($1\frac{1}{2}$) by two (2) inches.

Wrought iron or steel treads, minimum diameter, five-eighths ($\frac{5}{8}$) of an inch.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: On cars with continuous running-boards, one (1) at right end of each side.

On cars with side running-boards, one (1) at each end of each running-board.

Manner of application: Ladders shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolt or rivets.

Side-handholds.—Number: Four (4) or more.

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sill near each end on tank cars with short side-sills, or one (1) attached to top of running-board projecting outward above sill-steps or ladders on tank cars without side-sills. Clearance of outer end of handhold shall be not more than twelve (12) inches from end of car.

If side safety-railings are attached to tank or tank-bands four (4) additional vertical handholds shall be applied, one (1) as nearly as possible over each sill-step and securely fastened to tank or tank-band.

Manner of application: Same as specified for "Box and other house cars."

End-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

Tank-head handholds.—Number: Two (2). [Not required if safety-railing runs around ends of tank.]

Dimensions: Minimum diameter five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$), inches.

Location: Horizontal. One (1) across each head of tank not less than thirty (30) nor more than sixty (60) inches above platform on running-board. Clear length of handholds shall extend to within six (6) inches of outer diameter of tank at point of application.

Manner of application: Tank-head handholds shall be securely fastened.

Safety-railings.—Number: One (1) running around sides and ends of tank or two (2) running full length of tank.

Dimensions: Minimum diameter, seven-eighths ($\frac{7}{8}$) of an inch, wrought iron or steel. Minimum clearance, two and one-half ($2\frac{1}{2}$) inches.

Location: Running full length of tank, not less than thirty (30) nor more than sixty (60) inches above platform or running-board.

*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

Manner of application: Safety-railings shall be securely fastened to tank or tank-bands and secured against end shifting.

Uncoupling-levers.—Same as specified for "Box and other house cars."

End-ladder clearance.—No part of car above end-sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-shaft brackets, brake-wheel, running-boards or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same, above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

TANK CARS WITHOUT END-SILLS.

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

Brake-step.—Same as specified for "Box and other house cars."

Running-boards.—Number: One (1).

Dimensions: Minimum width on sides, ten (10) inches. Minimum width on ends, six (6) inches.

Location: Continuous around sides and ends of tank.

Manner of application: If running-boards are applied below centre of tank, outside edge of running-boards shall extend not less than seven (7) inches beyond bulge of tank. Running-boards at ends of car shall be not less than six (6) inches from a point vertically above the inside face of knuckle when closed with coupler-horn against the buffer-block, end-sill or back-stop. Running-boards shall be securely fastened to tank or tank-bands.

Sill-steps.—Number: Four (4). [*If tank has high running-boards, making ladders necessary, sill-steps must meet ladder requirements.*]

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) near each end on each side, flush with outside edge of running-board as near end of car as practicable. Tread not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Steps exceeding eighteen (18) inches in depth shall have an additional tread and be laterally braced. Sill-steps shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with one-half ($\frac{1}{2}$) inch rivets.

Side-handholds.—Number: Four (4) or more.

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each end on each side of car over sill-step, on running-board, not more than two (2) inches back from outside edge of running-board, projecting downward or outward. Where such side-handholds are more than eighteen (18) inches from end of car, an additional handhold must be placed near each end on each side not more than thirty (30) inches above centre line of coupler. Clearance of outer end of handhold shall be not more than twelve (12) inches from end of car. If safety-railings are on tank, four (4) additional vertical handholds shall be applied, one (1) over each sill-step on tank.

Manner of application: Same as specified for "Box and other house cars."

End handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

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Location: Horizontal. One (1) near each side on each end of car on running-board, not more than two (2) inches back from edge of running-board projecting downward or outward, or on end of tank not more than thirty (30) inches above centre line of coupler.

Manner of application: Same as specified for "Box and other house cars."

Safety-railings.—Number: One (1).

Dimensions: Minimum diameter seven-eighths ($\frac{7}{8}$) of an inch, wrought iron or steel. Minimum clearance two and one-half ($2\frac{1}{2}$) inches.

Location: Safety-railings shall be continuous around sides and ends of car, not less than thirty (30) nor more than sixty (60) inches above running-board.

Manner of application: Safety-railings shall be securely fastened to tank or tank-beds, and secured against end shifting.

Uncoupling-levers.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars," except that minimum length of uncoupling-lever shall be forty-two (42) inches, measured from centre line of end of car to handle of lever.

Location: Same as specified for "Box and other house cars," except that uncoupling-lever shall be not more than thirty (30) inches above centre line of coupler.

End-Ladder Clearance.—No part of car above buffer-block within thirty (30) inches from side of car, *except* brake-shaft, brake-shaft brackets, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or back stop, and no other part of end of car or fixtures on same, above buffer-block, other than exceptions herein noted, shall extend beyond the face of buffer-block.

CABOOSE CARS WITH PLATFORMS.

Hand-brakes.—Number: Each caboose car shall be equipped with an efficient hand-brake which shall operate in harmony with the power-brake thereon.

The hand-brake may be of any efficient design, but must provide the same degree of safety as the design shown on Plate A.

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft on caboose cars with platforms shall be located on platform to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

Running-boards.—Number: One (1) longitudinal running-board.

Dimensions: Same as specified for "Box and other house cars."

Location: Full length of car, centre of roof. (*On caboose cars with cupolas, longitudinal running-boards shall extend from cupola to ends of roof.*)

Outside-metal-roof cars shall have latitudinal extensions leading to ladder locations.

Manner of application: Same as specified for "Box and other house cars."

Ladders.—Number: Two (2).

Dimensions: None specified.

Location: One (1) on each end.

Manner of application: Same as specified for "Box and other house cars."

Roof-handholds.—Number: One (1) over each ladder.

Where stiles of ladders extend twelve (12) inches or more above roof, no other roof-handholds are required.

Dimensions: Same as specified for "Box and other house cars."

Location: On roof of caboose, in line with and running parallel to treads of ladder, not less than eight (8) nor more than fifteen (15) inches from edge of roof.

Manner of application: Same as specified for "Box and other house cars."

Cupola-handholds.—Number: One (1) or more.

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$), inches.

Location: One (1) continuous handhold extending around top of cupola not more than three (3) inches from edge of cupola-roof.

Four (4) right-angle handholds, one (1) at each corner, not less than sixteen (16) inches in clear length from point of angle, may take the place of the one (1) continuous handhold specified, if locations coincide.

Manner of application: Cupola-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside and riveted over or with not less than one-half ($\frac{1}{2}$) inch rivets.

Side-handholds.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clear length, thirty-six (36) inches.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$), inches.

Location: One (1) near each end on each side of car, curving downward toward centre of car from a point not less than thirty (30) inches above platform to a point not more than eight (8) inches from bottom of car. Top end of handhold shall be not more than eight (8) inches from outside face of end-sheathing.

Manner of application: Same as specified for "Box and other house cars."

End-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each side on each end of car on face of platform end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from end of platform end-sill.

Manner of application: Same as specified for "Box and other house cars."

End Platform-handholds.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron steel. Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$), inches.

Location: One (1) right-angle handhold on each side of each end extending horizontally from door-post to corner of car at approximate height of platform-rail, then downward to within twelve (12) inches of bottom of car.

Manner of application: Handholds shall be securely fastened with bolts, screws, or rivets.

Caboose Platform-steps.—Safe and suitable box steps leading to caboose platforms shall be provided at each corner of caboose.

Lower tread of step shall be not more than twenty-four (24) inches above top of rail.

Uncoupling-levers.—Same as specified for "Box and other house cars."

CABOOSE CARS WITHOUT PLATFORMS.

Hand-brakes.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located so that it can be safely operated while car is in motion.

The brake-shaft on caboose cars without platforms shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

Brake-step.—Same as specified for "Box and other house cars."

Running-Boards.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Full length of car, centre of roof. (On caboose cars with cupolas, longitudinal running-boards shall extend from cupola to ends of roof.)

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Outside-metal-roof ears shall have latitudinal extensions leading to ladder locations.

Manner of application: Same as specified for "Box and other house cars."

**Sill-steps.*—Same as specified for "Box and other house ears."

Side-door steps.—Number: Two (2) if caboose has side-doors.

Dimensions: Minimum length, five (5) feet.

Minimum width, six (6) inches.

Minimum thickness of tread, one and one-half ($1\frac{1}{2}$) inches.

Minimum height of back-stop, three (3) inches.

Maximum height from top of rail to top of tread, twenty-four (24) inches.

Location: One (1) under each side-door.

Manner of application: Side-door steps shall be supported by two (2) iron brackets having a minimum cross-sectional area seven-eighths ($\frac{7}{8}$) by three (3) inches or equivalent, each of which shall be securely fastened to car by not less than two (2) three-fourth ($\frac{3}{4}$) inch bolts.

Ladders.—Number: four (4).

Dimensions: Same as specified for "Box and other house ears."

Location: Same as specified for "Box and other house cars," *except* when caboose has side doors, then side-ladders shall be located not more than eight (8) inches from doors.

Manner of application: Same as specified for "Box and other house cars."

End-ladder clearance.—No part of car above end-sills within thirty (30) inches from side of car, *except* buffer-block, brake-shaft, brake-wheel, brake-step, running-board or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against the bluffer-block, or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

Roof-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) over each ladder, on roof in line with and running parallel to treads of ladder, not less than eight (8) nor more than fifteen (15) inches from edge of roof.

Where stiles of ladders extend twelve (12) inches or more above roof, no other roof-handholds are required.

Manner of application: Roof-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Cupola-handholds.—Number: One (1) or more.

Dimensions: Minimum diameter five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$), inches.

Location: One (1) continuous cupola-handhold extending around top of cupola, not more than three (3) inches from edge of cupola roof.

Four (4) right-angle handholds, one (1) at each corner, not less than sixteen (16) inches in clear length from point of angle, may take the place of the one (1) continuous handhold specified, if locations coincide.

Manner of application: Cupola-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside and riveted over or with not less than one-half ($\frac{1}{2}$) inch rivets.

Side-handholds.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

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Location: Horizontal. One (1) near each end on each side of car, not less than twenty-four (24) nor more than thirty (30) inches above center line of coupler. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

Manner of application: Same as specified for "Box and other house cars."

Side-door handholds.—Number: Four (4): Two (2) curved, two (2) straight.

Dimensions: Minimum diameter five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: One (1) curved handhold, from a point at side of each door opposite ladder, not less than thirty-six (36) inches above bottom of car curving away from door downward to a point not more than six (6) inches above bottom of car.

One (1) vertical handhold at ladder side of each door from a point not less than thirty-six (36) inches above bottom of car to a point not more than six (6) inches above level of bottom of door.

Manner of application: Side-door handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Horizontal End-handholds.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Same as specified for "Box and other house cars," except that (1) additional end-handhold shall be on each end of cars with platform end-sills as heretofore described, unless car has door in centre of end. Said handhold shall be not less than twenty-four (24) inches in length, located near centre of car, not less than thirty (30) nor more than sixty (60) inches above platform end-sill.

Manner of application: Same as specified for "Box and other house cars."

Vertical handholds.—Same as specified for "Box and other house cars."

Uncoupling-levers.—Same as specified for "Box and other house cars."

PASSENGER-TRAIN CARS WITH WIDE VESTIBULES.

Hand-brakes.—Number. Each passenger-train car shall be equipped with an efficient hand-brake, which shall operate in harmony with the power-brake thereon.

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

Side-handholds.—Number: Eight (8).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, metal.

Minimum clear length, sixteen (16) inches.

Minimum clearance, one and one-fourth ($1\frac{1}{4}$), preferably one and one-half ($1\frac{1}{2}$) inches.

Location: Vertical. One (1) on each vestibule door post.

Manner of application: Side-handholds shall be securely fastened with bolts rivets or screws.

End-handholds.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches.

Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Handholds shall be flush with or project not more than one (1) inch beyond vestibule face.

Location: Horizontal. One (1) near each side on each end projecting downward from face of vestibule end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: End-handholds shall be securely fastened with bolts or rivets.

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When marker-sockets or brackets are located so that they can be conveniently reached from platforms, suitable steps and handholds shall be provided for men to reach such sockets or brackets.

Uncoupling-Levers.—Uncoupling attachments shall be applied so they can be operated by a person standing on the ground.

Minimum length of ground uncoupling attachment, forty-two (42) inches, measured from centre line of end of car to handle of attachment.

PASSENGER-TRAIN CARS WITH OPEN END-PLATFORMS.

Hand-Brakes.—Number: Each passenger-train car shall be equipped with an efficient hand-brake, which shall operate in harmony with the power-brake thereon.

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

End-handholds.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Handholds shall be flush with or project not more than one (1) inch beyond face of end-sill.

Manner of application: End-handholds shall be securely fastened with bolts or end-sill, projecting downward. Clearance of outer end of handhold shall be not more than sixteen (16) inches from end of end-sill.

Manner of application: End-handholds shall be securely fastened with bolts or rivets.

End Platform-handholds.—Number: Four (4). [*Cars equipped with safety-gates do not require end platform-handholds.*]

Dimensions: Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$), inches, metal.

Location: Horizontal from or near door-post to a point not more than twelve (12) inches from corner of car, then approximately vertical to a point not more than six (6) inches from top of platform. Horizontal portion shall be not less than twenty-four (24) inches in length nor more than forty (40) inches above platform.

Manner of application:—End platform-handhold shall be securely fastened with bolts, rivets, or screws.

Uncoupling Levers.—Uncoupling attachments shall be applied so they can be operated by a person standing on the ground.

Minimum length of ground uncoupling attachment, forty-two (42) inches, measured from centre of end of car to handle of attachment.

PASSENGER-TRAIN CARS WITHOUT END-PLATFORMS.

Hand-brakes.—Number: Each passenger-train car shall be equipped with an efficient hand-brake which shall operate in harmony with the power-brake thereon.

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

Sill-Steps.—Number: Four (4).

Dimensions: Minimum length of tread ten (10), preferably twelve (12), inches.

Minimum cross-sectional area one-half ($\frac{1}{2}$) by one and one-half ($1\frac{1}{2}$) inches or equivalent, wrought iron or steel.

Minimum clear depth eight (8) inches.

Location: One (1) near each end on each side not more than twenty-four (24) inches from corner of car to centre of tread of sill-step.

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Outside edge of tread of step shall be not more than two (2) inches inside of face of side of car.

Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22) inches above the top of rail.

Manner of application: Steps exceeding eighteen (18) inches in depth shall have an additional tread and be laterally braced.

Sill-steps shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ($\frac{1}{2}$) inch rivets.

Side-handholds.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16), preferably twenty-four (24), inches.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$), inches.

Location: Horizontal or vertical. One (1) near each end on each side of car over sill-step.

If horizontal, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler.

If vertical, lower end not less than eighteen (18) nor more than twenty-four (24) inches above centre line of coupler.

Manner of application: Side-handholds shall be securely fastened with bolts, rivets or screws.

End-handholds.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches.

Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: Horizontal. One (1) near each side on each end projecting downward from face and of end-sill or sheathing. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Handholds shall be flush with or project not more than one (1) inch beyond face of end-sill.

End-handholds shall be securely fastened with bolts or rivets.

When marker sockets or brackets are located so that they can not be conveniently reached from platforms, suitable steps and handholds shall be provided for men to reach such sockets or brackets.

End-handrails.—(On cars with projecting end-sills).—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel.

Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: One (1) on each side of each end, extending horizontally from door-post or vestibule-frame to a point not more than six (6) inches from corner of car, then approximately vertical to a point not more than six (6) inches from top of platform end-sill; horizontal portion shall be not less than thirty (30) nor more than sixty (60) inches above platform end-sill.

Manner of Application: End hand-rails shall be securely fastened with bolts, rivets or screws.

Side-Door Steps.—Number: One (1) under each door.

Dimensions: Minimum length of tread, ten (10), preferably twelve (12), inches. Minimum, cross-sectional area, one-half ($\frac{1}{2}$) by one and one-half ($1\frac{1}{2}$) inches or equivalent, wrought iron or steel.

Minimum clear depth, eight (8) inches.

Location: Outside edge of tread of step not more than two (2) inches inside of face of side of car.

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Tread not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Steps exceeding eighteen (18) inches in depth shall have an additional tread and be laterally braced.

Side-door steps shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half inch rivets.

A vertical handhold not less than twenty-four (24) inches in clear length shall be applied above each side-door step on door post.

Uncoupling-levers.—Uncoupling attachments shall be applied so they can be operated by a person standing on the ground.

Minimum length of ground uncoupling attachment, forty-two (42) inches, measured from centre line of end of car to handle of attachment.

STEAM LOCOMOTIVES USED IN ROAD SERVICE.

Tender Sill-steps.—Number: Four (4) on tender.

Dimensions: Bottom tread not less than eight (8) by twelve (12) inches, metal. [*May have wooden treads.*]

If stirrup-steps are used, clear length of tread shall be not less than ten (10), preferably twelve (12), inches.

Location: One (1) near each corner of tender on sides.

Manner of application: Tender sill-steps shall be securely fastened with bolts or rivets.

Pilot Sill-steps.—Number: Two (2).

Location: Foot rests shall be provided on the pilot of every such engine, sufficient in width for a man to stand on.

Manner of application: Pilot sill-steps shall be securely fastened with bolts or rivets.

Pilot-beam Handholds.—Number: Two (2).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clear length, fourteen (14), preferably sixteen (16) inches. Minimum clearance, two and one-half ($2\frac{1}{2}$) inches.

Location: One (1) on each end of buffer-beam. [*If uncoupling-lever extends across front end of locomotive to within eight (8) inches of end of buffer-beam, and is seven-eighths ($\frac{7}{8}$) of an inch or more in diameter, securely fastened, with a clearance of two and one-half ($2\frac{1}{2}$) inches, it is a handhold.*]

Manner of Application: Pilot-beam handholds shall be securely fastened with bolts or rivets.

Side-handholds.—Number: Six (6).

Dimensions: Minimum diameter, if horizontal, five-eighths ($\frac{5}{8}$) of an inch; if vertical, seven-eighths ($\frac{7}{8}$) of an inch, wrought iron or steel. Horizontal, minimum clear length, sixteen (16) inches. Vertical, clear length equal to approximate height of tank. Minimum clearance two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: Horizontal or vertical. If vertical, one (1) on each side of tender within six (6) inches of rear or on corner, if horizontal, same as specified for "Box and other house cars."

One (1) on each side of tender near gangway; one (1) on each side of locomotive at gangway; applied vertically.

Manner of application: Side-handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts or rivets.

Rear-end Handholds.—Number: Two (2).

Dimensions: Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clear length, fourteen (14) inches. Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$), inches.

Location: Horizontal. One (1) near each side of rear end of tender on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of tender.

Manner of application: Rear-end handholds shall be securely fastened with not less than one-half ($\frac{1}{2}$) inch bolts or rivets.

Uncoupling-levers.—Number: Two (2) double levers, operative from either side.

Dimensions: Rear-end levers shall extend across end of tender with handles not more than twelve (12), preferable nine (9), inches from side of tender with a guard bent on handle to give not less than two (2) inches clearance around handle.

Location: One (1) on rear end of tender and one (1) on front end of locomotive.

Handles of front-end levers shall be not more than twelve (12), preferably nine (9) inches from ends of buffer-beam, and shall be so constructed as to give a minimum clearance of two (2) inches around handle.

Manner of application: Uncoupling-levers shall be securely fastened with bolts or rivets.

Couplers.—Locomotives shall be equipped with automatic couplers at rear of tender and front of locomotive.

STEAM LOCOMOTIVES USED IN SWITCHING SERVICE.

Footboards.—Number: Two (2) or more.

Dimensions: Minimum width of tread, ten (10) inches, wood.

Minimum thickness of tread, one and one-half ($1\frac{1}{2}$), preferably two (2) inches.

Minimum height of back-stop, four (4) inches above tread.

Height from top of rail to top of tread, not more than twelve (12) nor less than nine (9) inches.

Location: Ends or sides.

If on ends, they shall extend not less than eighteen (18) inches outside of gauge of straight track, and shall be not more than twelve (12) inches shorter than buffer-beam at each end.

Manner of application: End footboards may be constructed in two (2) sections, *provided* that practically all space on each side of coupler is filled, and inner ends are protected with guard of same height as back-stop, each section shall be not less than three (3) feet in length.

Footboards shall be securely bolted to two (2) one (1) by four (4) inches metal brackets, *provided* footboard is not cut or notched at any point.

If footboard is cut or notched or in two (2) sections, not less than four (4) one (1) by three (3) inches metal brackets shall be used, two (2) located on each side of coupler. Each bracket shall be securely bolted to buffer-beam, end-sill or tank-frame by not less than two (2) seven-eighths ($\frac{7}{8}$) inch bolts.

If side footboards are used, a substantial handhold or rail shall be applied not less than thirty (30) inches nor more than sixty (60) inches above tread of footboard.

Sill-steps.—Number: Two (2) or more.

Dimensions: Lower tread of step shall be not less than eight (8) by twelve (12) inches metal. [*May have wooden treads.*] If stirrup-steps are used, clear length of tread shall be not less than ten (10), preferably twelve (12), inches.

Location: One (1) or more on each side at gangway secured to locomotive or tender.

Manner of application: Sill-steps shall be securely fastened with bolts or rivets.

End-handholds.—Number: Two (2).

Dimensions: Minimum diameter, one (1) inch, wrought iron or steel. Minimum clearance, four (4) inches, *except* at coupler casting or braces, when minimum clearance shall be two (2) inches.

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Location: One (1) on pilot buffer-beam; one on rear end of tender, extending across front end of locomotive and rear end of tender. Ends of handholds shall be not more than six (6) inches from ends of buffer-beam or end-sill, securely fastened at ends. If the coupling leavers meet all specified requirements for end handholds, it is a handhold.

Manner of application: End-handholds shall be securely fastened with bolts or rivets.

Side-handholds.—Number: Four (4).

Dimensions: Minimum diameter, seven-eighths ($\frac{7}{8}$) of an inch, wrought iron or steel. Clear length equal to approximate height of tank. Minimum clearance, two (2), preferably two and one-half ($2\frac{1}{2}$) inches.

Location: Vertical. One (1) on each side of tender near front corner; one (1) on each side of locomotive at gangway.

Manner of application: Side-handholds shall be securely fastened with bolts or rivets.

Uncoupling-levers.—Number: Two (2) double levers, operative from either side.

Dimensions: Handles of front-end levers shall be not more than twelve (12), preferably nine (9) inches from ends of buffer-beam, and shall be so constructed as to give a minimum clearance of two (2) inches around handle. Rear-end levers shall extend across end of tender with handles not more than twelve (12), preferably nine (9) inches from side of tender, with a guard bent on handle to give not less than two (2) inches clearance around handle.

Location: One (1) on rear end of tender and one (1) on front end of locomotive.

Handrails and steps for headlights.—Switching-locomotives with sloping tenders with manhole or headlight located on sloping portion of tender shall be equipped with secure steps and handrail or with platform and handrail leading to such manhole or headlight.

End-ladder clearance.—No part of locomotive or tender *except* draft-rigging, coupler and attachments, safety-chains, buffer-block, foot-board, brake-pipe, signal-pipe, steam-heat pipe or arms of uncoupling-lever shall extend to within fourteen (14) inches of a vertical plane passing through the inside face of knuckle when closed with horn of coupler against buffer-block or end end-sill.

Couplers.—Locomotives shall be equipped with automatic couplers at rear of tender and front of locomotive.

SPECIFICATION COMMON TO ALL STEAM LOCOMOTIVES.

Hand-brakes.—Hand-brakes will not be required on locomotives nor on tenders when attached to locomotives. If tenders are detached from locomotives and used in special service, they shall be equipped with efficient hand-brakes.

Running-boards.—Number: Two (2).

Dimensions: Not less than ten (10) inches wide. If of wood, not less than one and one-half ($1\frac{1}{2}$) inches in thickness; if of metal, not less than three-sixteenths ($\frac{3}{16}$) of an inch, properly supported.

Location: One (1) on each side of boiler extending from cab to front end near pilot-beam. [*Running-boards may be in sections. Flat-top steam-chests may form section of running-board.*]

Manner of application: Running-boards shall be securely fastened with bolts, rivets or studs. Locomotives having Wootten type boilers with cab located on top of boiler more than twelve (12) inches forward from boiler-head shall have suitable running-boards running from cab to rear of locomotive, with handrailings not less than twenty (20) nor more than forty-eight (48) inches above outside edge of running-boards, securely fastened with bolts, rivets or studs.

Handrails.—Number: Two (2) or more.

Dimensions: Not less than one (1) inch in diameter, wrought iron or steel.

Location: One on each side of boiler extending from near cab to near front end of boiler, and extending across front end of boiler, not less than twenty-four (24) nor more than sixty-six (66) inches above running-board.

Manner of application: Handrails shall be securely fastened to boiler.

Tender of Vanderbilt type.—Tenders known as the Vanderbilt type shall be equipped with running-boards; one (1) on each side of tender not less than ten (10) inches in width and one on top of tender not less than forty-eight (48) inches in width extending from coal space to rear of tender. There shall be a handrail on each side of top running-board, extending from coal space to rear of tank, not less than one (1) inch in diameter and not less than twenty (20) inches in height above running-board from coal space to manhole.

There shall be a handrail extending from coal space to within twelve (12) inches of rear of tank, attached to each side of tank above side running-board, not less than (30) nor more than sixty-six (66) inches above running-board.

There shall be one (1) vertical end handhold on each side of Vanderbilt type of tender, located within eight (8) inches of rear of tank extending from within eight (8) inches of top of end-sill to within eight (8) inches of side handrail. Post supporting rear end of side running-board if not more than two (2) inches in diameter and properly located, may form section of handhold.

An additional horizontal end handhold shall be applied on rear end of all Vanderbilt type of tenders which are not equipped with vestibules. Handhold to be located not less than thirty (30) nor more than sixty-six (66) inches above top of end-sill. Clear length of handhold to be not less than forty-eight (48) inches.

Ladders shall be applied at forward ends of side running-boards.

Handrails and steps for headlights.—Locomotives having headlights which can not be safely and conveniently reached from pilot-beam or steam-chests shall be equipped with secure handrails and steps suitable for the use of men in getting to and from such headlights.

A suitable metal end or side-ladder shall be applied to all tanks more than forty-eight (48) inches in height, measured from the top of end-sill, and securely fastened with bolts or rivets.

Couplers.—Locomotives shall be equipped with automatic couplers at rear of tender and front of locomotive.

Cars of construction not covered specifically in the foregoing sections, relative to handholds, sill-steps, ladders, hand-brakes and running-boards may be considered as of special construction, but shall have, as nearly as possible, the same complement of handholds, sill-steps, ladders, hand-brakes and running-boards as are required for cars of the nearest approximate type.

"RIGHT" or "LEFT" refers to side of person when facing end or side of car from ground.

To provide for the usual inaccuracies of manufacturing and for wear, where sizes of metal are specified, a total variation of five (5) per cent below size given is permitted.

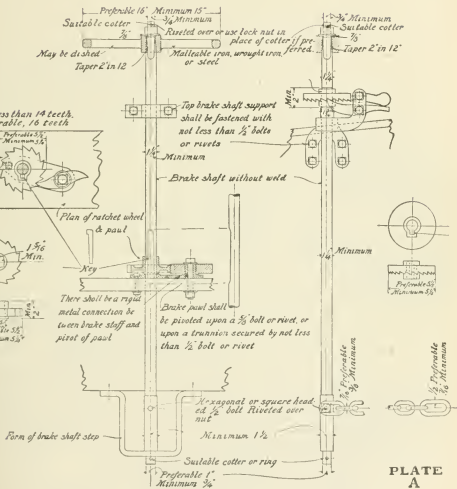


PLATE
A

[Any efficient arrangement of ratchet-wheel and pawl may be used.]



SESSIONAL PAPER No. 20c

GENERAL ORDER No. 103.

File 1750-17. Pa. 3.

WEDNESDAY, the 9th day of April, A.D. 1913

In the Matter of the Order of the Board No. 17211, dated July 24, 1912, approving the regulations governing the testing of hearing and eyesight of railway employees required to take such tests.

Upon the report and recommendation of the chief operating officer of the board—

It is Ordered that the said order No. 17211, dated July 24, 1912, be amended as follows :

1. By substituting the word "visual" for the word "visional" in the fifth line of the operative part of the order, on page 1.

2. By adding the word "an" after the word "under," and striking out the words "a qualified" before the word "oculist," and adding the words "or optometrist" after the word "oculist" on page two, in the second and third lines of section one.

3. By striking out the word "expert" before the word "oculist," and adding the words "or optometrist" after the word "oculist," in the fourth line of subsection (b) of section 5, on page 2.

4. By adding the words "or optometrist" after the word "oculist" in the sixth line of said subsection (b).

5. By striking out the words "or experts" and substituting the words "or optometrists" in subsection (e) of said section 5, on page 3.

6. By adding the words "or optometrist" after the word "oculist" in section 13.

7. By adding the word "an" after the word "by," and striking out the words "a qualified" before the word "oculist," and adding the words "or optometrist," after the word "oculist," in the second line of section 15.

8. By adding the word "not" after the word "will" in the seventh line of section 22, on page 5.

9. By adding the words "or optometrist" after the word "oculist" in the second line of section 25.

10. By striking out the words "Hostlers who run on main track" under the heading "Indoor Tests," in class A, on page 7.

11. By striking out the words "Hostlers who do not run on main track" in class B, on said page 7.

12. By rearranging the words in class A under the heading "Field Tests," on page 8, to read as follows:

"By day, sunlight 200, 400, and 2,600 feet.

Or by day, if cloudy with clear atmosphere 200, 400, and 2,000 feet.

By night. 200, 400, and 2,000 feet."

D'ARCY SCOTT,

Asst. Chief Commissioner..

GENERAL ORDER NO. 104.

File 4214—Case 1503.

WEDNESDAY, the 30th day of April, A.D. 1913.

In the matter of the rates charged by Express Companies within the Legislative authority of the Parliament of Canada, operating in Canada.

In pursuance of the powers conferred upon it by sections 28 and 348 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered:

1. That the express companies under the jurisdiction of the board be, and they are hereby, required to submit new standard tariffs of maximum mileage rates to be

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charged for express freight classified as "merchandise" between points west of and including Sudbury, Ont., making a reduction of approximately 20 per cent from the maximum mileage rates in excess of fifty cents per 100 pounds now being charged; the said reduced maximum rates to carry with them the appropriate tolls of the "graduate" table, scales "K" and "N"; and the special tariff for single shipments of 500 pounds or over.

2. That the said maximum rates, so reduced, for the mileage group from 900 to 1,000 miles, do not exceed four dollars (\$4) per 100 pounds in the section between Sudbury, Ont., Sault Ste. Marie, Ont., and Crownsnest, Canmore, and Thornton, Alta., and four dollars and seventy-five cents (\$4.75) per 100 pounds in the section west thereof, in place of \$5 and \$6, respectively, as now charged.

3. That the said reduced standard tariffs of maximum mileage rates be published and filed so as to become effective on or before the 15th day of July, 1913.

H. L. DRAYTON,

Chief Commissioner.

Case 1503.—File No. 4214.

Chief Commissioner DRAYTON:

Last autumn, under the provisions of the Railway Act authorizing the board of its own motion to enquire into, hear, and determine any matter which under the Act it might enquire into, hear and determine upon application or complaint, I took up the question of express rates with the Traffic Department of the board. After a somewhat lengthy scrutiny it became apparent that data to which no exception could be taken indicated at least a "prima facie" case for a reduction of charges, and that question has been taken up with the Canadian Express Company, the Dominion Express Company, and the Canadian Northern Express Company, these Companies doing practically the express business of the country.

The companies have, from time to time, made their representations, and have been given every opportunity to show cause why reduction should not be made, and a general review having been made of the express situation, the question is now ripe for action by the board.

So far as the Canadian Express Company is concerned, which company carries on the bulk—in fact practically all—of its transactions in the east, its president states that, owing to reductions in rates made by the board, either directly or indirectly, e.g., the compelling of greater service as a consequence of the extension of free collection delivery zones at many points, and increased expenses, net earnings are too low, and that if expenses go on increasing, the continued financial success of the company is more or less doubtful. While it is true that expenses have materially increased and the ratio of earnings been considerably reduced, I look upon its condition as satisfactory, and think that a sufficient return is netted on its enterprise.

In view of the fact that this company's operations are practically confined to the east, it is of interest to follow up the result of the board's judgment with the increased service and expenses the company complains of.

I propose to accept unreservedly the findings of the board in the previous investigation, which have been checked from every conceivable standpoint, and were the result of a very complete and thorough investigation extending over a period of some three years.

These findings, so far as the Canadian Express Company is concerned, show that, for a period of seven years, that is, from 1902 to 1908, the company's gross revenue showed an average of \$1,665,024, and that the average net earnings during the same period amounted to \$218,262, or 13.1 per cent on the gross revenue, which amounted in all to \$11,655,971.00. During this period the revenue increased from \$1,314,400 in 1902, to \$1,909,024 in 1908.

The company's revenue, as shown by its last returns for the year ended June 30, 1912, amounted to \$3,065,424.80. It returns as its balance for the year's operations,

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\$188,970.11, which is paid over to the Grand Trunk Railway Company, its owner, and which represents a net profit. Had no reduction been made, and if the company's rates, expenses, and practices had been as they were in 1908, the company's balance, instead of this sum, would have amounted to \$401,570.64, showing that upon the increased business the result has been a decrease in net profit from the former standard of \$212,600.53.

As the board, by its judgment in the General Inquiry, accepted as reasonable, subject to exceptions hereafter to be noted, the existing predominating scale of charges in use in Eastern Canada, I was unable to understand the great falling-off of profits shown by the company's statement of 1912, and requisitioned, for the purpose of ascertaining the necessary details of the business to check the statement, the last completed monthly analysis made by the company's general auditor. From it, it appears that the company's lessened profits are the result of increased expenses to a far greater extent than to reduced rates. I find, for example, that, for the period from January 1, 1912, to November 30, 1912, compared with the like period for the year 1911, the cost of superintendents and route agents increased from \$36,466.00 to \$43,683.83, or 19.8 per cent.

Offices maintained by salary increased from \$220,227.81 to \$282,378.80, an increase of 28.2 per cent.

The wages of wagon drivers and helpers increased from \$109,048.08 to \$140,008.90, an increase of 28.4 per cent.

Office supplies and expenses increased from \$22,343.68 to \$39,285.48, an increase of 75.8 per cent.

Rent of local offices increased from \$30,811.16 to \$36,007.98, an increase of 16.8 per cent.

The wages of stable employees increased from \$8,191.50 to \$11,736.83, an increase of 43.2 per cent.

Stable expenses increased from \$69,677.38 to \$98,417.94, an increase of 41.2 per cent.

Messengers and supplies increased from \$113,776.83 to \$143,183.38, an increase of 25.8 per cent.

Transfer point salaries were increased from \$24,424.20 to \$29,274.13, an increase of 19.8 per cent.

Stationery and printing expenses increased from \$24,470.02 to \$35,731.60, an increase of 46 per cent.

Money paid for loss and damage increased from \$26,086.43 to \$40,038.73, an increase of 53.5 per cent.

Coming to the executive and head office; No increase has been made in the salaries of the general officers, an economy having been made here in the small sum of \$277.76.

The wages of the clerks, however, have been increased by \$9,859.38; today's clerical wage being \$43,562.43, as against \$33,703.05 in 1911.

During the same period of time there was, of course, an increase in the total receipts, the gross receipts rising from \$2,582,208.97 to \$2,999,439.10, an increase of 16.1 per cent.

No increased proportion was paid to the railway company for express privileges, another manner in which the account could have been unduly influenced; but, as a matter of fact, the percentage of increase is somewhat lower, the payment of \$1,271,072.41 rising to \$1,415,635.60, an increase of 11.3 per cent, a smaller percentage than the gain in gross receipts. The result is to give a different percentage in growth on the total operating revenue, which was for this eleventh month period in 1911, \$1,311,136.56, and in 1912, \$1,583,800.50, an increase of 20.7 per cent.

The total expenses chargeable to operating revenue for the eleven month period amounted to \$1,080,810.46 in 1911, and \$1,368,223.36 in 1912, an increase on the whole of 26.6 per cent.

The result of it all is to show that the company's net profit is further decreasing; the increased expenses amounting to \$287,412.90, as against an increase in operating revenue of \$272,663.94, to which must be added \$1,607.30 for increase in taxation.

Some particular items of increase in the account do not have any particular significance, and may be, and probably are, peculiar to the year; but in the summation of the whole, it is significant that, with an addition of \$272,663.94 of new business there is a net decrease in profits of \$16,356.26.

The details of the company's business, therefore, seem entirely to corroborate its official return.

So far as the reduction in rates are concerned, while no general reduction has taken place in Eastern Canada, some were brought about in particular cases by orders which I find have been made by the board in addition to the carrying into effect of its general judgment. The Express Freight Classification was revised, and its rules and regulations were greatly simplified in the interests of the shipper. The table of so-called "graduated" charges for shipments of less than 100 pounds was extended so as to provide specific charges for such shipments under certain head-line rates of the general merchandise tariff previously omitted, and for the omitted 6, 8, and 9-pound shipments; the former custom being to charge under the next higher rate, or for the next greater weight. For example: Merchandise rates of \$5.25, \$5.50 and \$5.75 per 100 pounds were added, so that all small shipments so entitled have now their appropriate charges under these rates, instead of under \$6 as formerly.

The board also prescribed a new form of shipping receipt which extended the liability of the companies by eliminating the qualification of "owner's risk" which was contained in the former classification. This change probably accounts, in some measure at least, for the increase of 53.5 per cent in sums paid by the Canadian express Company to shippers for loss and damage in transit, and in like measure is an index of the advantage to the shipper of the elimination from the Classification of the provisions limiting the companies' liability in respect of loss and damage claims.

The board also, on the 21st day of August, 1911, reduced the cream rates in eastern Canada.

On the 10th day of January, 1912, the winter rates to Prince Edward Island from points in Ontario, Quebec, New Brunswick and Nova Scotia were reduced, the reductions ranging from 25 to 50 cents per 100 pounds.

The board, on the 8th day of November, 1911, ordered the application of a single "graduate" charge on traffic moving over the lines of two or more express companies, the effect of the order being to give a considerable reduction to the shipper. For example: a package of 20 pounds, over two express lines, is now charged from New Glasgow to Mattawa, \$1.30 instead of \$1.60; from Grand Mere to Port Dover, 90 cents instead of \$1.05.

The board also, on the 2nd day of March, 1912, made a material reduction in the rates on daily newspapers.

On the other hand, certain increases resulted from the board's judgment. For example: the carriage of empties of a certain character free by the express companies, while others were charged varying rates, amounted to discrimination. The charges are now uniform for all empties and by weight; they are lower than some of the rates which, for certain classes of empties, had formerly been charged; but, of course, constitute an increase in so far as that class of empties is concerned that were formerly carried free. The companies, however, which formerly were at no responsibility for empties, became liable for them as in the case of any other shipment.

A further advance was caused by the establishment of the so-called measurement rule for the purpose of insuring to the companies a reasonable revenue on light and bulky goods, forwarded generally by millinery shippers, after a full discussion in which the millinery shippers were represented.

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Another advance resulted from the elimination of schedule "E" of the classification, which provided rates on large and continuous shipments by manufacturers, and which was considered by the board to constitute a discrimination against the small shippers.

In addition to these orders, the board has, from time to time, enlarged the free collection and delivery limits at different points, which necessarily results in additional equipment and expense to the companies.

The result of it all, in my view, is that, while there has been no general reduction in Eastern Canada, reductions have been made through a more generous classification and "graduate" scale, increased carrying liability on the express companies, the specific reductions noted, and extension of free collection and delivery limits, which by increasing the service is equivalent to a reduction in the rate. The effect of these changed conditions could not be estimated in any manner, and can be approximately reflected only by the subsequent results obtained by the companies. In my opinion, however, such reductions are perhaps not sufficient to have been appreciated by the average shipper using the express facility.

My difficulty in making any order directing a reduction to-day is entirely owing to changed conditions resulting, as pointed out, from a somewhat extended and bettered service, but much more largely owing to the increased cost of carrying on the business; and also to the statement made by the Honourable the Postmaster General of his intention to institute a parcels post system in Canada, to which a more extended reference is hereafter made.

The net result to the Canadian Express Company, that I take as a fair illustration of express conditions in Eastern Canada, shows that from a net return on the gross revenue of 13.1 per cent, as ascertained by the board in its former investigation, the net return on a much larger turn-over to-day has dropped to 6.09 per cent. I do not say that this much smaller figure is to be looked upon or adopted by the board as only a reasonable compensation, but I hesitate to make any drastic order applying to Eastern Canada in the face of this increasing ratio of expense, and the proposed introduction of the parcels post.

The full effect of the board's orders cannot yet be properly estimated by the actual results, and the matter of rates in Eastern Canada generally, I think, should stand until the board has had the opportunity of seeing exactly the effect upon the express business. Overcharges from time to time take place, and specific complaints based on different grounds will undoubtedly arise that may require an immediate action. These can be dealt with as occasion requires, a course contemplated in the former Judgment being as follows:

"Certain rates are asked for upon various commodities from different points, but these are not dealt with, as it is considered that the better course to pursue is to await the general revision and realignment that must follow these findings, when, if a more satisfactory situation is not brought about, complaints that have not been dealt with categorically, or solved in the general result, will be further considered."

A very different aspect is presented by the express business in the west.

The Canadian Northern Express Company carries on its business almost entirely in the prairie provinces, the figures supplied by Mr. Hanna of last year's operations showing that, out of gross earnings of \$778,642.28, only \$93,466.42 is represented by business east of Port Arthur.

In 1908, Mr. Justice Mabee found that, during the seven year period, the net earnings of the company were 25.5 per cent on gross revenue. It is to be observed, however, that on the business of the Company of 1908, which forms part of the seven-year period, while the gross receipts amounted in that year to \$336,708, the net earnings were returned as \$57,432, which would amount only to 17.057 per cent, showing for that year, at least, a reduction of some 8½ per cent.

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The company's return to the Government for the year ending June 30, 1912, shows that, on the business above stated, namely, \$778,642.28, a balance is carried forward as profits of \$192,676.99, a return to the company on its operations at the rate of 24.745 per cent. It is true that Mr. Hanna disputes the accuracy of these figures in that the railway company made no charges for offices, station and platform space, etc., which it should have made. As a matter of fact, that is the case, but the company's custom seems to have been exactly the same when its returns were under the board's scrutiny upon the last investigation.

It is to be noted that the board in its previous judgment in the case of the Dominion Express Company, found that, during the seven-year period under review, 5.6 per cent of the gross revenue was charged for station accommodation. As a matter of book-keeping it would be fair to make some such allowance. I do not think, however, that it is necessary to go into the matter at length, and merely refer to it for the purpose of showing that, in this regard, the figures supplied by the Canadian Northern Express Company, are, as contended by it, not accurate. This practice was common during both periods, and, therefore, comparison can be properly made disregarding it altogether.

While for the purpose of comparison a close adjustment of the account need not be made, the statement, if compiled on the usual basis of a charge of 50 per cent gross by the railway company, and as charged by the Intercolonial, would be as follows:—

Gross receipts.	\$778,642 28
Express privileges.	389,321 14
<hr/>	
Operating Revenue.	\$389,321 14
Operating expenses.	276,411 07
<hr/>	
	\$112,910 07
Taxes.	6,897 61
<hr/>	
	\$106,012 46

The statement, even as amended, makes an extraordinarily good return on a business of \$778,642.28, as compared with earnings of \$188,970.11, on a business of \$3,065,424.80, for the same period, of the Canadian Express Company.

The Dominion Express Company also obtains more of its earnings in the West, although it does a considerably larger business in the East than the Canadian Northern Express Company. For the period under review in the last enquiry, it was shown that the company's gross receipts amounted to \$21,473,694, increasing from \$1,529,195 in 1901, to \$3,743,580 in 1908; and that during this period the net earnings amounted to 16.9 per cent on this revenue. The company's gross revenue from all sources, including its financial branch and transatlantic traffic, for the year ended June 30, 1912, as returned to the department, shows \$6,180,956, with a net revenue to the company of \$642,888.94, available for property renewals, which are placed in the report at \$80,000 dividends, and like charges. The result, in this instance, is to show a reduction in the percentage of profit, which, however, is still much greater than that obtained in the eastern territory by the Canadian Express Company.

In my view, it is not necessary to pursue this question to a finality. The broad results, as outlined, are, I think, entirely sufficient.

There has always been a difference in the scale of charges between the eastern part of Canada and the west. Mr. Justice Mabee's judgment provides that the basis of the scale for eastern Canada shall not exceed \$3, for the Prairie section \$5, and for the Mountain section \$6 per 100 pounds, for the 900-1,000 mile group.

The companies claim that the cost of doing business in the West is greater, and the density of traffic less than in the East. The actual results of operation would seem to show that undue effect has been given to these considerations, and to demand a readjustment.

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However, economic conditions presented by other aspects of the railway situation—in view of water competition and the like—may control the board's action, it is obvious that such considerations can apply to an express service with but little force. The express service is entirely different from that of freight. The basis of rates, as well as the demands of the public, stand upon a different footing. Water competition certainly cannot be said to influence in any way, a service the essential of which is speed; nor is the express service influenced in nearly the same degree by the question of competitive points. In my view, the express rates charged by the different companies in the Prairie Provinces and British Columbia are unreasonable. While it was hoped that the directions contained in the board's general judgment would naturally improve the situation, the result shows that no appreciable reduction seems to have been secured. Reductions that have been made, and they are many, as shown by the companies tariffs, are reductions which but little affect the manner in which the bulk of the traffic is moving; or are, perhaps, compensated by additions which have been made to rates, presumably in the levelling process, in establishing a mileage basis of standard rates as provided by the judgment.

I do not think that the former judgment of the board as to the minimum charge should be interfered with. A charge of 25 cents, with the duty of free collection, as well as free delivery, at a large number of points, should not, at the present time, be disturbed; but I am of the opinion that an approximately average reduction of twenty per cent should be made by the companies in the standard maximum tariffs for traffic classified as "merchandise," to apply only to the Prairie Provinces and British Columbia, the appropriate charges of the "graduate" scale, as revised by the board, and those scales "N" and "K" (foodstuffs, ale, beer, mineral waters, etc.) to apply to the rates so reduced.

Both Mr. Hanna of the Canadian Northern and Mr. Stout of the Dominion Express urged very strongly that the proposal of a twenty per cent reduction was entirely too radical, not called for by the returns and conditions of business, and unduly oppressive on their companies. In my view, no smaller reduction should be considered. The express business is a matter of railway operation in this country; and the capitalizations and bonded indebtedness of the different express companies have been created under such circumstances as to require no consideration in striking a rate. I can add nothing useful to what the late chief commissioner, under this head, said in his exhaustive judgment. The test of the rate is largely its reasonableness in view of the service supplied, and in directing the reduction now made by this judgment, the board, I think, would be but adopting a rate basis, at the present time, and in the light of the different aspects of revenue and operation now presented, certainly as reasonable from the standpoint of the carrier as from that of the shipper.

It should be borne in mind that the effect of any reduction on gross receipts produces very much greater results on net returns. For example; the receipts from all sources of the Dominion Express Co., amounting to \$6,180,956, and resulting in a net revenue of \$642,888.94, shows that out of each dollar earned that company has to spend 89.6 cents, leaving a profit of 10.4 cents resulting from each dollar's worth of business done. With expenses at such a large ratio it is plain that any reduction that could be made must appear small to the occasional shipper of the smaller parcels.

It is impossible to determine with exactness the effect that the reduction will make on the earnings of the express companies, the reduction varying with the weight of the different parcels sent day by day, and the distances that they are carried. The task of checking the business for the whole year, parcel by parcel, is almost impossible. Figures, however, have been taken out showing the actual transactions for one day (September 18), which were thought to be characteristic of the general run of business, or unaccompanied, perhaps by any special movement or circumstances.

The results show that the Dominion Express Company received on shipments from points between Sudbury, Canmore, and Crow's Nest to points in the same section (the Prairie section), \$4,337.43, on shipments from points between Canmore, Crow's

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Nest, and Vancouver to points in the same section (the Mountain section), \$844.90, on shipments from points in the Prairie section to points in the Mountain section \$600.61, and on shipments from points in the Mountain section to points in the Prairie section, \$154.12, making a total for the day of \$5,937.06. Taking 312 working days as constituting the business year, the business in the territory in which the reduction is now ordered would, on this basis, amount to \$1,852,362.72, a direct reduction of twenty per cent on the charges based on this gross sum would amount to \$370.473. Applying a reduction of 20 per cent on the standard maximum tariffs for traffic classified as "merchandise," and the tolls of the "graduate" table and scales "N" and "K" appropriate to the "merchandise" rates so reduced, and worked out on each shipment of the particular day whose business was analysed, the decrease effected amounts to \$227,317. These figures are merely illustrative and will vary in proportion with the ratio that the business of September 18, is above or below the general average, and whether shipments of that day were of an average character and profit. The company, however, cannot object to their use, that day, in the opinion of its president, being unaccompanied with any special movement or circumstance, and the figures were, in the first instance, prepared by the company's officials and then checked by Mr. Hardwell, the board's chief traffic expert.

Subject to these qualifications, the result on the business for the year 1912 is that the balance of the company's earnings from all sources in Eastern Canada, as well as in the west, amounting to \$642,888.94, would be reduced to \$415,571.94, a reduction of 35.36 per cent. If applied to the profits resulting from the western business alone, the percentage of reduction in profits would be much larger. It is, also, but fair to say that the figures do not include reductions that will follow as a result of this judgment on through shipments from points in Eastern Canada to points in Western Canada, and vice-versa, reductions in which the east is interested as well as the west.

The operation of the parcels post will have a direct effect on the earnings of express companies over the whole country. That post will probably handle parcels of eleven pounds weight and under. A comparatively large part of the merchandise traffic of the express companies consists of parcels of such a character. I have not a return showing the complete business of any of the companies giving the traffic in such parcels, none of them keeping such data. Taking, however, September 18 as an example, the receipts of the Dominion Express Company for the carriage of parcels of eleven pounds or under amounted to \$1,564.18, out of a total of \$5,937.06 on business originating in and consigned to points in Western Canada, or for the year, \$488,024.16 out of \$1,852,362.72.

The figures given by counsel for the express companies in the re-hearing of the Express Companies Rates Case before the Interstate Commerce Commission may be referred to as more or less accurately showing the effect of the parcels post system on express companies. Figures were given showing the business of five of the large American companies for January and February, 1912, contrasting the business of those months with the corresponding months of 1913 when the parcels post system was in operation. These figures show a percentage of decrease in the revenue the companies derived from parcels of 11 pounds weight and under of 16.56 per cent for January, and 25.37 per cent for February. The companies apparently claim that the parcels post business is increasing, and that its increases, as shown by the February returns, more nearly approaches what the total loss to the express companies will be.

If I assume for the moment the correctness of these figures as applied in their proper ratios to the Canadian business the result of the adoption of the parcels post will entail a reduction over the whole country of something like $4\frac{1}{2}$ per cent on the total merchandise earnings of the express companies.

It is impossible, at the present time, to estimate the effect of parcels post in Canada. The difference of conditions in Canada may produce either greater or less losses to the business of the express companies. Reference is made to them merely to show

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the impossibility of now making any close analysis for future rates with a new factor, the result of which is unknown. The figures of the American companies, however, seem to justify the express companies in their fear that the adoption of the system in Canada will work a serious loss to them. Until this unknown quantity is ascertained, the results of the express companies' business and figures before me would not justify any further reduction than that now ordered.

In order to work out the base rate reduction of 20 per cent to a finality some thirty-five or more new columns of rates would have to be added to the "graduate" scale. This would make the scale inconvenient for the rapid reference more or less inseparable from the express business, and would lend itself to inaccuracies. The exact result on the companies' revenues would, also, be difficult to determine. On the other hand, the system of charging for small parcels under the next higher per 100 pounds "merchandise" rate, when the "graduate" scale does not provide the appropriate charge, has its objections. I had hoped to prescribe complete new schedules, which, while making a fair allowance for the constant cost of handling all shipments, no matter what their weight, would more fairly distribute the cost as between small and large shipments, but this I find at present difficult to do. Tariff-making is, after all, the business of the companies, and they have the further advantage of that intimate knowledge of their own conditions which regulating commissions lack. The companies are, therefore, required to submit new tariffs making a reduction of 20 per cent in the Prairie and Mountain sections from the present standard maximum tariff on freight classified as "merchandise," carrying with it the appropriate reduction in the "graduate" table scales "K" and "N," and the special scale for single shipments of 500 pounds or over. I am advised by the board's traffic expert that the preparation of the new tariffs will take some time, and the express companies must proceed without delay, so as to insure the publication and filing of the new tariffs so that they will come into force on or before the 15th day of July next. This allows a reasonable time for this work in Mr. Hardwell's opinion.

The board's order will further provide that the basis of the standard maximum mileage "merchandise" tariffs shall not exceed \$4 per 100 pounds in place of \$5 for the Prairie section, and \$4.75 per 100 pounds in place of \$6 for the Mountain section, for 900-1,000 mile group.

The Assistant Chief Commissioner and Commissioners Mills, McLean and Goodeve concurred.

April 22, 1913.

GENERAL ORDER No. 105.

In the matter of the general order of the board No. 100, dated the 16th January, 1913, approving regulations for the transportation of explosives by railway companies operating in Canada and subject to the jurisdiction of the board; and the application on behalf of the railway companies to amend the regulations to provide, under certain conditions, for the carriage of explosives in mixed trains. File 1717 Part 3.

Upon the reading of what is alleged in support of the application, the replies of Colonel D. W. Dunn, Chief Inspector of the Bureau for the Safe Transportation of Explosives and Other dangerous Articles, and the report of the Chief Traffic and the Chief Operating Officers of the Board—

It is ordered that paragraph 1666 (1), and the unnumbered paragraph between paragraphs 1683 and 1684, pages 23 and 27, respectively, of the said Regulations, be, and they are hereby, amended to provide that railway companies subject to the jurisdiction of the board, but only on such lines, or portions of lines, on which solid freight trains are not operated, be permitted to carry explosives, the carriage of which

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is not forbidden by the said general order No. 100, and in accordance with the regulations therein contained, in quantities not exceeding five hundred (500) pounds in any mixed train; the said explosives to be contained in but one car, and the said car to be so placed in the train that not less than five (5) freight cars are between it and the passenger coach, or coaches.

(Signed)

D'ARCY SCOTT,

Assistant Chief Commissioner.

FIRE GUARD REQUIREMENTS.

MONDAY, the 11th day of May, 1914.

To

The Canadian Pacific Railway Company.
The Canadian Northern Railway Company.
The Grand Trunk Pacific Railway Company.
The Great Northern Railway Company.

Subsection 4 of section 298 of the Railway Act provides that "The board may order, upon such terms and conditions as it deems expedient, that fireguards be established and maintained by the company along the route of its railway and upon any lands of His Majesty or of any person, lying along such route, and, subject to the terms and conditions of any such order, the company may at all times enter into and upon such lands for the purpose of establishing and maintaining such fireguards thereon, and freeing, from dead or dry grass, weeds and other unnecessary inflammable matter, the land between such fire guards and the line of railway."

Regulation 8 of general order No. 107 provides that "Every such railway company shall establish and maintain fireguards along the route of its railway as the chief fire inspector may prescribe."

You are accordingly required to establish and maintain fireguards on both sides of the right of way, along the route of your railway, in the provinces of Alberta, Saskatchewan and Manitoba, as follows:—

(A) GRAIN STUBBLE LANDS.

1. Section 297 of the Railway Act requires that "The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter." As to portions of lines where the right of way adjoins lands devoted to grain crops, this requirement is hereby extended to include the strip between the right of way and the edge of cultivation, provided that this requirement shall not apply more than 10 feet outside the right of way on private land.

2. It is generally agreed that if the right of way and adjacent narrow uncultivated strip are freed from combustible material, in accordance with the above requirements, the greatest source of fire danger in cultivated sections will have been removed, and that, while in some sections and under some conditions the ploughing of fireguards through grain stubble lands will still be necessary, in other sections and under other conditions such action is not essential to a reasonable degree of safety. It is also agreed that in general the best judge of the necessity for ploughing fireguards through grain stubble lands is the owner or occupant of the land himself and that where such action is necessary some degree of co-operation on the part of the land owner or occupant may reasonably be expected.

3. You are accordingly required to provide for the ploughing of fireguards through grain stubble lands adjacent to your lines in the provinces of Alberta, Saskatchewan, and Manitoba, wherever such action is necessary in the judgment of the owner or

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occupant of such land, and where such owner or occupant, after notice by the railway company as hereinafter prescribed, shall take the initiative and plough immediately following the cutting of the grain, such fireguard, 4 feet in width at a distance of approximately 100 feet from the main track for a remuneration of \$1.75 per lineal mile of 4 foot ploughed fireguard, such amount to be paid by the company within forty days after the submission by the land owner or occupant of written statement of account to the railway company, it being understood that the minimum amount to be paid in any case shall be one dollar.

4. The railway company shall notify land owners and occupants as to the above requirement, by posting printed notices at all stations and all public road crossings through cultivated sections within the provinces of Alberta, Saskatchewan, and Manitoba. Notices at stations shall be posted in a conspicuous place, readily accessible to the general public. Two copies of such notice shall be posted on the railway crossing sign pole in a substantial manner at each public road crossing these notices to be on the opposite sides of pole, one copy facing the railway track. Such notices shall be posted not later than July 15, 1914.

5. In notices to land owners and occupants, railway companies may insert a clause stating that the above arrangement relative to the construction of and payment for the fireguarding of grain stubble lands will remain in effect during 1914 and successive years, until changed by public notices to be posted in a manner similar to that above prescribed. In other words, the above arrangement will remain in effect without further notice, unless and until said arrangement shall be changed by public notice under instructions issued by the chief fire inspector of the board.

6. Notices under the above requirements shall be issued over the signature of a responsible official of the railway company, and the form of such notices shall be subject to the approval of the chief fire inspector of the board. Provision shall be made in the notice that the ploughing of these fireguards shall be done in a workmanlike and efficient manner, and that where such guards do not connect with similar fireguards on adjacent lands, the ends shall be turned in to the railway right of way.

7. Your attention is called to the requirement of general order No. 107 that "No such railway company shall permit its employees, agents, or contractors to enter upon land under cultivation, to construct fireguards, without the consent of the owner or occupant of such lands," and that "Wherever the owner or occupant of such land objects to the construction of fireguards, on the ground that the said construction would involve unreasonable loss or damage to property, the company shall at once refer the matter to the board, giving full particulars thereof, and shall in the meantime refrain from proceeding with the work." Said order also provides that "No agent, employee or contractor of any such railway company shall permit gates to be left open or to cut or leave fences down, whereby stock or crops may be injured, or do any other unnecessary damage to property, in the construction of fireguards."

8. Where the owner or occupant of grain stubble land is unwilling to undertake the construction of fireguards in accordance with the above, the company will exercise its discretion as to whether it will make other arrangements for the ploughing of fireguards or leave such lands unguarded. In case the owner or occupant will neither construct such fireguards under the above requirement, nor permit such work to be done by an agent of the company, the company may either drop the matter of fireguarding or make application to the board for authority to enter upon such lands for the purpose of fireguard construction, over the protest of such owner or occupant.

9. The construction of fireguards is not required where, on account of recent ploughing or the presence of a non-combustible crop, there is no danger of fire spreading and doing damage. Fireguards are not required in standing grain crops.

10. It is clearly understood that nothing contained in this letter, nor any action to be taken under it, shall be construed as in the slightest degree affecting the statutory responsibility of the company for the payment of damage claims on account of fires.

(B) FENCED GRAZING LAND.

1. This classification shall include fenced, uncultivated lands, which are occupied by owner or tenant, or which are used for the purpose of grazing. Meadows and hay lands generally shall be construed as coming under this classification.

2. On such lands fireguards shall be constructed or maintained in the form of a ploughed strip not less than 16 feet in width. Where such fireguards have been constructed in the past at a distance of from 150 to 250 feet from the track, they shall be maintained in the same location, in order to minimize the weed nuisance. Otherwise, construction shall be at a distance of approximately 200 feet from the main track, or as close a distance to 200 feet as the nature of the country will permit.

3. All dead or dry grass and other unnecessary combustible matter shall be burned or otherwise removed from the right of way. Burning outside the right of way is not required under this classification.

4. Wherever the owner or occupant of land under this classification objects to the construction or maintenance of fireguards as above prescribed, the company shall refrain from doing such work, but shall immediately report the matter to the Board, stating name and address of such owner or occupant, the description of the land by legal subdivision and railway mileage, and whether the company desires the permission of the board to enter on such land for the purpose of constructing or maintaining such fireguards notwithstanding such refusal by owner or occupant.

(C) OPEN PRAIRIE.

1. This classification shall include unfenced, uncultivated lands, and fenced lands which are uncultivated, unoccupied by owner or tenant, and not used for purposes of grazing.

2. On such lands, fireguards shall be constructed or maintained in the form of a ploughed strip not less than 16 feet in width. Where such fireguards have been constructed in the past at a distance of from 200 to 400 feet from the track, they shall be maintained in the same location, in order to minimize the weed nuisance. Otherwise construction shall be at a distance of approximately 200 feet from the main track, or as close a distance to 200 feet as the nature of the country will permit.

3. All dead or dry grass and other unnecessary combustible matter shall be burned or otherwise removed, between the fireguard and the track. Where the ploughing of fireguards is impracticable on account of ground being too stony or rocky, or too hilly or broken to plough, the dead or dry grass and other unnecessary combustible matter shall be burned off on a strip extending 200 feet from the track.

4. Under the provisions of the Railway Act and of the board's order, the consent of the owner of private land coming under this classification is not essential in connection with either the ploughing of fireguards or the burning off of grass between the fireguard and the main track as above prescribed.

(D) ASPEN OR POPLAR LANDS.

1. In sections where fireguards are necessary and, on account of aspen or poplar growth it is impracticable to plough, the fireguard may be constructed by clearing away the undergrowth and removing all combustible material on the ground, so as to expose the mineral soil, for a width of 16 feet, at a distance of approximately 200 feet from the track. Where the land is sufficiently open so that ploughing is practicable, fireguards shall be constructed as above prescribed for fenced grazing lands or open prairie, according to the status of the particular tract in question.

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2. It is understood that fireguarding of this class of land is generally unnecessary, and that exemptions may properly be requested in such cases. Especial care must, however, be taken to construct fireguards where practicable along lines running through forest reserves.

3. All dead or dry grass and other unnecessary combustible matter shall be burned or otherwise removed from the right of way.

(E) ADDITIONAL PROVISIONS.

1. Where there are alternating bodies of grain stubble, fenced grazing, open prairie, or poplar lands, the ends of the fireguards above prescribed shall so far as possible be so connected as to make an unbroken, continuous fireguard.

2. Wherever, for any reason, it is not practicable to construct a continuous fireguard as above specified, the ends of the constructed portions of the fireguard shall be turned in to the right of way, and special care shall be taken to connect such ends, either by ploughing a strip 8 feet wide along the outer edge of the right of way, or by burning or otherwise removing the combustible matter along such right of way, in such a manner, as to provide good and efficient protection against the spread of fire to lands which have been properly fireguarded.

3. The construction of fireguards shall be completed, as above specified, not later than the 15th day of August, 1914, except as to grain stubble lands, where the requirements as to time of construction, above specified under that heading, shall be observed. Between the date of construction and the 15th day of May, 1915, said fireguards shall be maintained in a good and efficient manner, and dead or dry grass and other unnecessary combustible matter shall be burned or otherwise disposed of, on lands or portions of lands between such fireguards and the track, in accordance with the above requirements.

4. Where a fireguard has been ploughed within two years in accordance with the above specifications, the operation of disking and harrowing will be acceptable instead of reploughing, provided that all weeds and other inflammable material are disked and harrowed under the furrow, so as to make a good and efficient fireguard. Such disking and harrowing shall be completed before the weeds on the fireguard shall have gone to seed. Where more than one operation of disking and harrowing is necessary in order to keep down the weeds on a particular fireguard, such action shall be taken.

5. The provisions of this order shall apply to the portions of the line under construction, in the three provinces named, the same as to portions under operation. In other words, fireguards shall be constructed at the time grading is done on each new portion of the line. However, in case of the laying of the track is to be delayed for a period of one year or more, temporary exemption from this requirement will be granted, upon a showing to that effect, to be made to the board by the company.

6. The foregoing requirements shall apply to all lines of the company in the three provinces named, except where the company shall be specifically exempted from such requirements on the basis of a showing by the company that such construction and maintenance of fireguards is either unnecessary or impracticable. Such showing shall be made at the earliest practicable date but in any event not later than June 10, 1914, in the form of two blue print copies from right of way plan. Such plan shall indicate railway mileages and shall show in each case why fireguard construction is considered unnecessary or impracticable. Pending action by the chief fire inspector upon such request for exemption, the company shall proceed upon the basis of constructing or maintaining fireguards as above specified, except where such action is clearly impracticable or unnecessary.

7. The following reasons will be considered in connection with requests for fireguard exemptions: ground too stony or rocky, or too hilly or broken to plough (exemption here, as to open prairie, will apply to ploughing but not to burning, see paragraph

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3 under heading open prairie); timber or scrub; swamp, muskeg or sloughs (where permanently wet and too large to plough around); cities and villages (only where ploughing is impracticable); and the following where width and location are such as to constitute an efficient fireguard, thus making ploughing unnecessary: irrigation canals, ditches, rivers, lakes, creeks, graded roadways or other railway grades parallel to the company's tracks.

8. The company shall submit to the chief fire inspector for the board at Ottawa, in duplicate, not later than December 31, 1914, Annual Graphic Charts and an Annual Fireguard Statistical Report, in accordance with the accompanying forms.* Such charts shall indicate by mileages, subdivisions and provinces, the portions of the lines in the three provinces named, where fireguards shall have been constructed or maintained, and where and for what reason there shall not have been such construction or maintenance. All portions of the lines in the said provinces, including those under construction, shall be fully accounted for in the above respects.

Very truly yours,

CLYDE LEAVITT,

Chief Fire Inspector.

* Forms supplied only with original letters.

GENERAL ORDER No. 106.

File No. 16513, Part 4.

FRIDAY, the 27th day of June, A.D. 1913.

In the matter of the Rules and Instructions for the Inspection and Testing of Locomotive Boilers and their Appurtenances; and the general order of the board No. 14115, dated July 14, 1911; and the application on behalf of the Canadian Pacific Railway Company for permission to have the 5-inch flues in place except when it is necessary to remove them to allow a man to obtain access to the lower portion of the boiler.

Upon the reading of what has been submitted in support of the application; and upon the report of the assistant chief operating officer of the board:—

It is Ordered that the said order No. 14115, be, and it is hereby, amended by adding after clause 5 of the order, the following clause, namely:—

"5a. *Boilers equipped with super-heated flues.* On removal of the ordinary flues and of as many of the super-heated flues as may be necessary for men to get inside of the boiler to scale and inspect same, if, it is found, upon inspection by the mechanical officer in charge at each point where boiler work is done, that the condition of the super-heated flues does not warrant their removal they may be left in, if thoroughly scaled; the said mechanical officer or inspector to be held strictly responsible as provided in clause 2 of the Order."

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner.

GENERAL ORDER No. 107.

File No. 4741, Part 4.

FRIDAY, the 4th day of July, A.D. 1913.

In the matter of the order of the board No. 16570, dated May 22, 1912; and the application by the Canadian Pacific, the Grand Trunk, the Canadian Northern, and the Grand Trunk Pacific Railway Companies to amend said order.

Upon the hearing of the application at the sittings of the board held in the city of Ottawa, July 3, 1913, the railway companies interested, the Commission of Con-

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servations, and the Government of the province of British Columbia being represented by counsel at the hearing, and what was alleged; and upon the report and recommendation of the chief operating officer and the chief fire inspector of the board—

It is ordered as follows:—

1. Order No. 16570, dated May 22, 1912, is hereby rescinded.

2. Until further order, every railway subject to the legislative authority of the Parliament of Canada, under construction or being operated by steam, shall, unless exempted by a special order of the board, cause every locomotive engine used on the said railway, or portion of railway, being constructed or operated by it, to be fitted and kept fitted with netting mesh as hereinafter set forth, namely:—

(a) On every engine equipped with an extension smoke box, the mesh shall not be larger than $2\frac{1}{2}$ by $2\frac{1}{2}$ per inch of No. 10 Birmingham wire gauge, and shall be placed in the smoke box so as to extend completely over the aperture through which the smoke ascends, the openings of the said mesh not to exceed a quarter of an inch and one sixty-fourth (that is, seventeen sixty-fourths) of an inch to the square.

(b) On every engine equipped with a diamond stack, the mesh shall not be more than 3 by 3 per inch of No. 10 Birmingham wire gauge, and shall be placed at the flare of the diamond of the stack, so as to cover the same completely, the openings of said mesh not to exceed three-sixteenths and one sixty-fourth (that is, thirteen sixty-fourths) of an inch to the square.

3. Every such railway company shall cause:—

(a) The openings of the ash pans on every locomotive engine used on the railway, or portion of railway, operated or being constructed by it, to be covered, when practicable, with heavy sheet iron dampers; and, if not practicable, with screen netting dampers $2\frac{1}{2}$ by $2\frac{1}{2}$ per inch of No. 10 Birmingham wire gauge, such dampers to be fastened either by a heavy spring or by a split cotter and pins, or by such other method as may be approved by the board.

(b) Overflow pipes from lifting injectors, or from water pipes from injector-delivery pipe, or from boiler, to be put into the front and back part of the ash pans and used from the 1st day of April to the 1st day of November, or during such portion of this period as the board may prescribe, for wetting ash pans.

4. Every such railway company shall provide inspectors at terminal or divisional points where its locomotive engines are housed and repaired; and cause them, in addition to the duties to which they may be assigned by the officials of the railway companies in charge of such terminal or divisional points:—

(a) To examine at least once a week,

(1) The nettings;

(2) Dead plates;

(3) Ash pans;

(4) Dampers;

(5) Slides; and

(6) Any other fire-protective appliance or appliances used on any and all engines running into the said terminal or divisional points.

(b) To keep a record of every inspection in a book to be furnished by the railway company for the purpose, showing:—

(1) The numbers of the engines inspected;

(2) The date and hour of day of such inspection;

(3) The condition of the said fire-protective appliances and arrangements; and

(4) A record of repairs made in any of the above mentioned fire-protective appliances.

The said book to be open for inspection by any authorized officer of the board.

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(c) In case any of the said fire-protective appliances in any locomotive are found to be defective, said locomotive shall be removed from service and shall not (during said prescribed period) be returned to service, unless and until such defects are remedied.

(d) Every such railway company shall also make an independent examination of the fire-protective appliances on all the locomotives of such company, at least once each month, and the conditions of such fire-protective appliances shall be reported direct to the chief mechanical officer of the railway company, or other chief officer, held responsible for the condition of the motive power of the said company.

5. No employee of any such railway company shall—

(a) Do, or in any way cause, damage to the netting on the engine smokestack or to the netting in the front end of such engine;

(b) Open the back dampers of such engine while running ahead, or the front dampers while running tender first, except when there is snow on the ground, and it is necessary to take such action in order to have engine steam properly;

(c) Or otherwise do or cause damage or injury to any of the fire protective appliances on the said engines.

6. No such railway company shall permit fire, live coals, or ashes to be deposited upon its tracks or right of way, unless they are extinguished immediately thereafter, except in pits provided for the purpose.

7. No such railway company shall burn lignite coal on its locomotive engines as fuel for transportation purposes, unless otherwise ordered by the board,—lignite coal consisting of and including all varieties of coal between peat and bituminous, with a carbon-hydrogen ratio of 11.2 or less, such ratio being based on analysis of air-dried coal.

8. Every such railway company shall establish and maintain fireguards along the route of its railway as the chief fire inspector may prescribe. The nature, extent, establishment and maintenance of such fireguards shall be determined as follows:—

(a) The chief fire inspector shall each year prepare and submit to every such railway company a statement of the measures necessary for establishing and maintaining the routes of such railways in a condition safe from fire, so far as may be practicable.

(b) Said measures may provide for the cutting and disposal by fire, or otherwise, of all or any growth of an inflammable character, and the burning or other disposal of debris and litter, on a strip of sufficient width on one or both sides of the track; the ploughing or digging of land in strips of sufficient width on one or both sides of the track; and such other work as may, under the existing local conditions and at reasonable expense, tend to reduce to a minimum the occurrence and spread of fire.

(c) Said statements of the chief fire inspector shall be so arranged as to deal with and prescribe measures for each separate portion of such railway upon and adjacent to which the fire risk calls for specific treatment. The intention shall be to adjust the protective measures to the local conditions and to make the expense proportionate to the fire risk and possible damage.

(d) Said statements of the chief fire inspector shall prescribe dates on or within which the foregoing protective measures shall be commenced and completed, and the fire guards maintained in a clean and safe condition.

(e) No such railway company shall permit its employees, agents, or contractors to enter upon land under cultivation, to construct fireguards, without the consent of the owner or occupier of such land.

(f) Wherever the owner or occupant of such land objects to the construction of fireguards, on the ground that the said construction would involve unreasonable loss or damage to property, the company shall *at once* refer the matter to the board, giving full particulars thereof, and shall in the meantime refrain from proceeding with the work.

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(g) No agent, employee, or contractor of any such railway company shall permit gates to be left open or to cut or leave fences down whereby stock or crops may be injured or to do any other unnecessary damage to property, in the construction of fireguards.

9. In carrying out the provisions of section 297 of the Railway Act, which enacts that "the company shall at all times maintain and keep its right of way free from dead or dry grass, weeds, and other unnecessary combustible matter," no such railway company or its agents, employees or contractors shall, between the 1st day of April and the 1st day of November, burn or cause to be burned any ties, cuttings, debris, or litter upon or near its right of way, except under such supervision as will prevent such fires from spreading beyond the strip being cleared. The chief fire inspector or other authorized officer of the board may require that no such burning be done along specified portions of the line of any such railway, except with the written permission or under the direction of the chief fire inspector or other authorized officer of the board.

10. The railway company shall provide and maintain a force of fire rangers fit and sufficient for efficient patrol and fire-fighting duty during the period from the 1st day of April to the 1st day of November of each year; and the methods of such force shall be subject to the supervision and direction of the chief fire inspector or other authorized officer of the board.

11. The chief fire inspector shall, each year, prepare and submit to each and every railway company a statement of the measures such railway companies shall take for the establishment and maintenance of said specially organized force. Said statements among other matters may provide for—

(a) The number of men to be employed on the said force, their location and general duties, and the methods and frequency of the patrol.

(b) The acquisition and location of necessary equipment for transporting the said force from place to place, and the acquisition and distributing of suitable fire-fighting tools; and

(c) Any other measures which are considered by him to be essential for the immediate control of fire and may be adopted at reasonable expense.

12. Whenever and while all the locomotive engines used upon any such railway, or any portion of it, burn nothing but oil as fuel, during the aforesaid prescribed period, under such conditions as the board may approve, the board will relieve the said railway of such portion of these regulations as may seem to it safe and expedient.

13. Every such railway company shall instruct and require its sectionmen and other employees, agents and contractors to take measures to report and extinguish fires on or near the right of way as follows:—

(a) Conductors, engineers, or trainmen who discover or receive notice of the existence and location of a fire burning upon or near the right of way, or of a fire which threatens land adjacent to the right of way, shall report the same by wire to the superintendent, and shall also report it to the agent or persons in charge at the next point at which there shall be communication by telegraph or telephone, and to the first section employees passed. Notice of such fire shall also be given immediately by a system of warning whistles.

(b) It shall be the duty of the superintendent or agent or person so informed to notify immediately the nearest forest officer and the nearest section employees of the railway, of the existence and location of such fire.

(c) When fire is discovered, presumably started by the railway, such sectionmen or other employees of the railway as are available shall either independently or at the request of any authorized forest officer, proceed to the fire immediately and take action to extinguish it; provided such sectionmen or other employees are not at the time engaged in labours immediately necessary to the safety of trains.

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(d) In case the sectionmen or other employees available are not a sufficient force to extinguish the fire promptly, the railway company shall, either independently or at the request of any authorized forest officer, employ such other labourers as may be necessary to extinguish the fire; and as soon as a sufficient number of men, other than the sectionmen and regular employees, are obtained, the sectionmen and other regular employees shall be allowed to resume their regular duties.

(e) The provisions of this section shall apply to all fires occurring within 300 feet of the railway track, unless proof shall be furnished that such fires were not caused by the railway.

14. Every such railway company shall give particular instructions to its employees in relation to the foregoing regulations and shall cause such instructions to be posted at all stations, terminals and section houses along its lines of railway. In case said instructions are not also carried in employees' time tables during said prescribed period, or in "operating" and "maintenance of way" rule books, they shall, previous to April 1 of each year, be reissued to all employees concerned, in the form of special instructions. The chief fire inspector may waive the above requirements in whole or in part, as to lines or portions of lines where, in his judgment, the fire danger is not material.

15. Every such railway company allowing or permitting the violation of, or in any respect contravening or failing to obey any of the foregoing regulations, shall, in addition to any other liability which the said company may have incurred, be subject to a penalty of one hundred dollars for every such offence.

16. If any employee or other person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a penalty of twenty-five dollars for every such offence.

17. The board may, upon the application of any railway company or other party interested, vary or rescind any order or direction of the chief fire inspector made pursuant to the provisions of this order.

(Signed) H. L. DRAYTON,

Chief Commissioner.

GENERAL ORDER No. 108.

File 4135.21.

MONDAY, the 11th day of August, A.D. 1913.

In the matter of the consideration of the matter of yard limit boards in connection with railway companies subject to the jurisdiction of the board:

Upon hearing the matter at the sittings of the board held in Winnipeg, May 30, 1913, in the presence of counsel for and representatives of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Canadian Pacific Railway Company, the Grand Trunk and Grand Trunk Pacific Railway Companies, and the Canadian Northern Railway Company, and what was alleged; and upon reading the report of the chief operating officer of the board—

It is ordered that the Canadian Pacific Railway Company withdraw its special rule "F" applying to western lines and hereafter observe the uniform rules of the board regarding yard limits.

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner

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GENERAL ORDER No. 109.

File No. 22939.

WEDNESDAY, the 27th day of August, A.D., 1913.

In the matter of the complaint of the Dominion Millers' Association and the Campbell Milling Company, hereinafter called the "Complainants," against the proposed increase in less than carload mileage rates on grain and grain products, published in tariffs of the railway companies, to take effect September 1, 1913.

Upon reading what is alleged on behalf of the complainants—

It is ordered that the mileage rates on less than carload shipments of grain and grain products, as published in the following schedules, be, and they are hereby, suspended until further order of the board, namely:—

Supplement Number.	To C.R.C. No.	Railway Company.
10	E-2596	Grand Trunk.
11	E-2385	Canadian Pacific.
1	E-176	Canadian Northern (Eastern Lines).
2	E-145	" "
1	E-232	" "
1	2022	Michigan Central.
3	1910	"
8	245	Chatham, Wallaceburg and Lake Erie.
3	242	"
3	115	Essex Terminal.
4	254	Galt, Preston and Hespeler.
2	80	Schomberg and Aurora.
	951	Ottawa and New York.
3	1468	Pere Marquette.
1	218	Thousand Islands.
5	565	Toronto, Hamilton and Buffalo.
3	627	Wabash.
3	102	Wind-or, Essex and Lake Shore.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

GENERAL ORDER No. 110.

File No. 8954.

MONDAY, the 11th day of August, A.D. 1913.

In the matter of the application of Robert De B. Hovell, of Victoria, in the province of British Columbia, for an order directing railway companies to carry as freight passenger's first-class baggage, and the matter of the notice calling upon the railway companies to show cause why trunks containing wearing apparel and personal effects should not be accepted for carriage by freight service, when securely corded.

Upon the hearing of the application and upon the return of summons to show cause at the sittings of the board held in Ottawa, July 3, 1913, counsel for the Grand Trunk, the Canadian Northern, and the New York Central Railway Companies, and for the Canadian Freight Association appearing at the hearing, and what was alleged; and upon the reading of the report of the chief traffic officer of the board—

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It is ordered that railway companies subject to the jurisdiction of the board, be, and they are hereby, required to accept and carry by freight, trunks containing wearing apparel and personal effects, when securely corded.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

GENERAL ORDER No. 111.

File 4214-219.

WEDNESDAY, the 20th day of August, A.D. 1913.

In the matter of the application of Harold W. Riley, of Calgary, in the province of Alberta, for a reconsideration of the order of the board No. 17384, dated September 4, 1912, as amended by Order No. 17492, dated September 14, 1912, prescribed express rates on cream and terms and conditions of service in connection therewith.

Upon hearing the application at the sittings of the board held in Calgary, November 25, 1912, in the presence of representatives of the Central Dairy, of Calgary, the Carlyle Dairy Company, of Calgary, and the Edmonton City Dairy, the applicant and the express companies being represented at the hearing; and upon reading the submissions filed on behalf of the said dairy companies and the express companies—

It is ordered—

1. That the application to amend the said order No. 17384, in so far as it effects the rate basis, be, and it is hereby, refused.

2. That the following rules be substituted for those included in the tariff prescribed by the said order No. 17384:—

1. Returned empty cans, which were carried full by this company under this tariff, will be charged at the rate of 5 cents each to the original point of shipment.

2. The rates shown herein include the collection of full or empty cans at points where the company furnishes a wagon service, but do not include delivery.

3. The consignee may give the company's local agent a written general or continuing notice that until such notice is withdrawn (which shall not be within one month from the date thereof), he desires all his cream delivered by the company's wagons; and on receipt of such notice, and until its withdrawal, the company will furnish the service at an additional charge of 5 cents per can.

NOTE.—Agent will preserve such notices in his possession for reference, and, if withdrawn, for at least one year thereafter.

4. No reduction from these rates will be made for smaller or partially filled cans.

Two 5-gallon cans will not be carried at the rate for a 10-gallon can.

6. Between common points where a competing company may have a shorter line, this company's rates will be based upon the shorter distance.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

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GENERAL ORDER No. 112.

File No. 4214.219.

THURSDAY, the 18th day of September, A.D., 1913.

In the matter of the application of Harold W. Riley, of Calgary, in the province of Alberta, for a reconsideration of the order of the board No. 17384 dated September 4, 1912, as amended by order No. 17492, dated September 14, 1912, prescribing express rates on cream and terms and conditions therewith;

And in the matter of the general order of the board No. 111, dated August 20, 1913, made herein.

Whereas it appears that through error in transcription the intent of the judgment in the matter of the application of Harold W. Riley was not fully set forth in the terms of the said general order No. 111;

And whereas this error has been drawn to the attention of the express companies by the board's telegrams, dated September 17, 1913—

It is ordered that the second paragraph of the mandatory portion of the order be amended by the insertion of the following words after the word "That," in the first line of the said paragraph, namely, "the present tariff rates be reduced by 5 cents per can by making them exclusive of delivery, and that."

And it is further ordered that this amendment be operative from the date of the said general order No. 111.

(Signed) D'ARCY SCOTT.

Assistant Chief Commissioner.

GENERAL ORDER No. 113.

RULES FOR WIRES CROSSING RAILWAYS.

Section 4 of chapter 50 of the statutes of 1910 is repealed, and the following is enacted as subsection 5 of section 246 of the principal Act:—

10. "An order of the board shall not be required in cases in which wires or other conductors for the transmission of electrical energy are to be erected or maintained over or under a railway, or over or under wires or other conductors for the transmission of electrical energy with the consent of the railway company or the company owning or controlling such last mentioned wires or conductors, in accordance with any general regulations, plans or specifications adopted or approved by the board for such purposes."—1-2 George V, chap 22, sec. 7.

Assented to 19th May, 1911.

WEDNESDAY, the 5th day of November, A.D., 1913.

In the matter of Section 246 of the Railway Act, for the carrying of wires and cables across the tracks of railways under the jurisdiction and subject to the control of the board: File 9690, Case 4704, Part VII.

Upon the report and recommendation of the electrical engineer of the board—

It is ordered:

1. That the conditions and specifications set forth in the schedule herunto annexed, under the heading, "Rules for Wires Crossing Railways," be, and the same are hereby, adopted and confirmed as the conditions and specifications applicable to the erection, placing, or maintaining of electric lines, wires, or cables across all railways subject to the jurisdiction of the board: Part 1 being applicable where the line or lines, wire or wires, cable or cables, is or are carried over the railway; part 2 being applicable where the line or lines, wire or wires, cable or cables, is or are carried under the railway.

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2. That any order of the board granting leave to erect, place, or maintain any line or lines, wire or wires, cable or cables, across the railway and referring to "Rules for Wires Crossing Railways," shall be deemed as intended to be a reference to the conditions and specifications set out in that part of the said Schedule which is applicable to the mode of crossing authorized.

3. That every order of the board granting leave to erect, place or maintain any line or lines, wire or wires, cable or cables, across any railway subject to the jurisdiction of the board, shall, unless otherwise expressed, be deemed to be an order for leave to erect, place and maintain the same under and according to the conditions and specifications set out in that part of the said Schedule applicable thereto, which conditions and specifications shall be considered as embodied in any such order without specific reference thereto, subject, however, to such change or variation therein or thereof as shall be expressed in such order.

4. That the order of the board No. 8392, dated October, 1909, approving of "The Standard Conditions and Specifications for Wire Crossings," and the conditions and specifications adopted thereby, be, and the same is hereby, rescinded.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

NOTICE TO APPLICANTS (See page 2).

When the interested company's consent cannot be procured and an application to the board becomes necessary, send to the secretary of the board (postage free) with the application, three copies of a sketch or drawing 8 by 16 inches showing:—

(a) The location of the poles or towers, or the location of the underground conduit in relation to the track; the dimensions of poles or towers; and the material or materials of which they are made.

(b) The proposed number of wires, or cables, the distance between them and the track, and the method of attaching the conductors to the insulators.

(c) The location of all other wires to be crossed, and their supports.

(d) The maximum potential, in volts, between wires, the potential between the wires and the ground, and the maximum current, in amperes, to be transmitted.

(e) The kinds and sizes of wires or conductors to be used at the crossing.

(f) On circuits of 10,000 volts, or over, the method of protecting the conductors from arcs at the insulators.

(g) The number of insulators supporting the conductors at the crossing. (*See also*) "J" in Specifications.

N.B.—Place a distinguishing name, number, date and signature upon the drawing. Mark the exact location of the proposed crossing upon the drawing, by stating the distance in miles from the nearest railway station—N., E., S. or W.—so that this crossing can readily be identified.

STANDARD CONDITIONS AND SPECIFICATIONS FOR WIRE CROSSINGS.

Part I.—Over-Crossings.—Conditions:

1. The applicant shall, at its or his own expense, erect and place the lines, wires, cables, or conductors authorized to be placed across the said railway, and shall at all times, at its own expense, maintain the same in good order and condition and at the height shown on the drawing, and in accordance with the specifications hereinafter set forth, so that at no time shall any damage be caused to the company owning, operating, or using the said railway, or to any person lawfully upon or using the same, and shall use all necessary and proper means to prevent any such lines, wires, cables, or conductors from sagging below the said height.

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2. The applicant shall at all times wholly indemnify the company owning, operating, or using the said railway, of, from, and against all loss, cost, damage, and expense to which the said railway company may be put by reason of any damage or injury to person or property caused by any of the said wires or cables or any works or appliances herein provided for not being erected in all respects in compliance with the terms and provisions of this order, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of the employees or agents of the applicant.

3. No work shall at any time be done under the authority of this order in such a manner as to obstruct, delay or in any way interfere with the operation or safety of the trains or traffic of the said railway.

4. Where, in affecting any such crossing, it is necessary to erect poles between the tracks of the railway, the applicant, before any work in connection with such crossing is begun, shall give the railway company owning, operating, or using the said railway, at least seventy-two hours' prior notice thereof in writing, and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed three dollars per day, shall be paid by the applicant. When the applicant is a municipality and the crossing is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.

4a. It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company as above provided in regard to necessary work to be done in connection with the repair or maintenance of the crossing when such work becomes necessary through an unforeseen emergency.

5. Where wires or cables to be erected across the railway are to be carried above, below, or parallel with existing wires, at the crossing, either within the span to be constructed across the railway or within the span thereto on either side, such additional precautions shall be taken by the applicant as the engineer of the board shall consider necessary.

6. Nothing in these conditions shall prejudice or detract from the right of the company owning, operating, or using the railway to adopt at any time the use of electric or other motive power, and to place and maintain over, upon, or under its right of way, such poles, lines, wires, cables, pipes, conduits, and other fixtures and appliances as may be necessary or proper for such purpose. Liability for the cost of any removal, change in location or construction of the poles, lines, wires, cables or other fixtures or appliances erected by the applicant over or under the tracks of the said railway company, rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the board on the application of any party interested.

7. Any disputes, arising between the applicant and the said railway company as to the manner in which the said wires or cables are being erected, placed, maintained, used or repaired, shall be referred to the engineer of the board whose decision shall be final.

8. The wires or cables of the applicant shall be erected, placed and maintained across the said railway in accordance with the drawing approved by the board and the specifications following. If the drawing and specifications differ the latter shall govern unless a specific statement to the contrary appears in the order of the board.

9. In every case in which the line of a railway company shall be constructed under the wires or cables of a telegraph or telephone company the construction of the telegraph or telephone company shall be made to conform to the foregoing specifications, and any changes necessary to make it so conform shall be made by the telegraph or telephone company at the cost and expense of the railway company.

Over-crossings:—Specifications:

A. *Labelling of poles.*—Poles, towers, or other wire supporting structures on each side of and adjacent to railway crossings, to be equipped with durable labels showing (a) the name of the company or individual owning or maintaining them, and (b) the maximum voltage between conductors; the characters upon the labels to be easily distinguished from the ground.

B. *Separate lines.*—Two or more separate lines for the transmission of electrical energy shall not be erected or maintained in the same vertical plane. The word "lines," is here used, to mean the combination of conductors and the latter's supporting poles, or towers, and fittings.

C. *Location of poles, etc.*—Poles, towers, or other wire-supporting structures to be located generally a distance from the rail not less than equal to the length of the poles or structures used. Poles, towers, or other wire-supporting structures must under no consideration be placed less than 12 feet from the rail of a main line, or less than 6 feet from the rail of a siding. At loading sidings sufficient space to be left for driveway.

D. *Setting and strength of poles.*—Poles less than 50 feet in length to be set not less than 6 feet and poles over 50 feet not less than 7 feet in solid ground. Poles with side strains to be reinforced with braces and guy wires. Poles to be at least 7 inches in diameter at the top—mountain cedar poles to be at least 8 inches at the top. In soft ground poles must be set so as to obtain the same amount of rigidity as would be obtained by the above specifications for setting poles in solid ground. When the crossing is located in a section of the country where grass or other fires might burn them, wooden poles to be covered with a layer of some satisfactory fire-resisting material, such as concrete at least two inches thick, extending from the butt of the pole for a distance of at least 5 feet above the level of the ground. Wooden structures to have a safety factor of five.

E. *Setting and strength of other structures.*—Towers and other structures to be firmly set upon stone, metal, concrete, or pile footings or foundations. Metal and concrete structures to have a safety factor of 4.

F. *Length of span.*—Span must be as short as possible consistent with the rules of setting and locating of poles and towers.

G. *Fittings of Wooden Poles for Telegraph, Telephone, or similar low Tension Lines.*—The poles at each side of a railway must be fitted with double cross-arms, dimensions not less than 3 inches by 4 inches, each equipped with 1½-inch hardwood pins, nailed in arms, or some stronger support and with suitable insulators; cross-arms to be securely fastened to the pole in a girth by not less than a ½-inch bolt through the pole; arms carrying more than two wires or carrying cable must be braced by two stiff iron or substantial wood braces fastened to the arms by ½-inch or larger bolts, and to the pole by a ¾-inch or larger bolt.

H. *Fittings of all Poles, Towers, or other Structures.*—All wire-supporting structures to be equipped with fittings satisfactory to the engineer of the board.

I. *Guards.*—Where cross-arms are used, an iron hook guard to be placed on the ends of and securely bolted to each. The hooks shall be so placed as to engage the wire in the event of the latter's detachment from the insulators.

J. *Insulators.*—All wires or conductors for the transmission of electrical energy across a railway to be supported by and securely attached to suitable insulators.

Wires or conductors in 10,000-volt (or higher) circuits, to be supported by insulators capable of withstanding tests of two and one-half times the maximum voltage to be employed under operating conditions. An affidavit describing the tests to which the insulators have been subjected and the apparatus employed in the tests shall be supplied by the applicant. The tests upon which reports are required are as follows:

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J-a. Puncture or Rupture Test.—The insulators having been immersed in water for a period of 7 days, immediately preceding and ending at the time of the test, to be subjected for a period of five minutes to a potential of two and one-half (2.5) times the maximum potential of the line upon which they are to be installed.

J-b. Flash-over Test.—State the potentials that were employed to cause arcing or flashing across the surface of the insulator between the conductor and the insulator's point of support when the surface was (1) dry, and (2) wet.

K. Height of Wires.—(a) *Low Tension Conductors.* The lowest conductor must not be less than 25 feet from top of rail for spans up to 145 feet; 2½ feet additional clearance of rails or other wires must be given for every 20 feet or fraction thereof additional length of span. The words "low tension," as here used, to mean conductors for telegraph, telephone, and kindred signal work, as well as conductors connected with grounded secondary circuits of transformers below 350 volts.

K-b. All Primary Conductors, Underground Secondaries and Railway Feeders to be maintained at least 30 feet above the top of rail—except where special provisions are made for trolley wires.

K-c. High Tension Conductors, those between which a potential of 10,000 volts or over is employed, to be maintained at least 35 feet above the top of rail.

L. Clearances.—Safe clearances between all conductors to be maintained at all times. The following distances to be provided wherever possible: at least 3 feet clearance from low tension wires; at least 5 feet between low tension wires, primaries, ungrounded secondaries, and railway feeders employing less than 10,000 volts; at least 10 feet between high tension wires and all other lines.

M. Guy Wires.—Guy wires at railway crossings to be at least as strong as 7 strand No. 16 Stub's or New British Standard gauge galvanized steel wire, and to be clearly indicated as guy wire on the drawing accompanying the application. One or more strain insulators to be placed in all guy wires; the lowest strain insulator to be not less than 8 feet above the ground.

N. Wires, and other Conductors. *N-a.* Where open telephone, telegraph, signal or kindred low tension wires are strung across a railway this stretch to consist of copper wire or copper-plated steel wire, not less than No. 13 New British Standard gauge, .092 inch in diameter. Wire to be securely tied to insulators by a tie wire not less than 20 inches in length and of the same diameter as the line wire.

N-b. Where No. 9 B.W.G., or larger, galvanized iron or steel wire is employed in a circuit, and where there is no danger of deterioration from smoke or other gases, the use of this wire may be continued at the crossing.

N-c. Where a number of rubber covered wires are strung across a railway they may be made up into a cable by being twisted on each other or otherwise held together and the whole securely fastened to the poles.

N-d. Wires or other conductors for the transmission of electrical energy for purposes other than telegraph, telephone, or kindred low tension signal work, to be composed of at least 7 strands of material having a combined tensile strength equivalent to or greater than No. 4 Brown & Sharpe gauge hard drawn copper wire. These conductors to be maintained above low tension wires at the crossing, to be free from joints or splices, and to extend at least one full span of line beyond the poles or towers at each side of the railway.

N-e. Wires or other conductors subjected to potentials of 10,000 volts or over, to be reinforced by clamps, servings, wrappings, or other protection at the insulators to the satisfaction of the Engineer of the board.

N-f. Conductors for other than low tension work to have a factor of safety of 2 when covered with ice or sleet to a depth of 1 inch and subjected to a wind pressure of 8 lbs. per square foot on the ice-covered diameter.

N-g. All conductors to be dead ended or so fastened to their supporting insulators at each side of the crossing that they cannot slip through their fastenings.

O. Positions of Wires.—Wires or conductors of low potential to be erected and maintained below those of higher potential which may be attached to the same poles or towers.

P. Trolley Wires.—Trolley wires at railway crossings to be provided with a trolley guard so arranged as to keep the trolley wheel or other rolling, sliding or scraping device in electrical contact. The trolley wire, trolley guard and their supports to be maintained at least 22 feet 6 inches above the top of the rails.

Q. Cable.—Cable to be carried on a suspension wire at least equivalent to 7 strands of No. 13 Stub's or New British Standard gauge galvanized steel wire. When cross-arms are used, suspension wire to be attached to a $\frac{3}{4}$ -inch iron or stronger hook, or when fastened to poles to a malleable iron or stronger messenger hanger bolted through the poles, the cable to be attached to the suspension wire by cable clips not more than 20 inches apart. Rubber insulated cables of less than $\frac{3}{4}$ -inch in diameter may be carried on a suspension wire of not less than 7 strands of No. 16 Stub's or New British Standard gauge galvanized steel wire. The word "cable" as here used, to mean a number of insulated conductors bound together.

Part II.—Under-crossings.—Conditions:

1. The line or lines, wire or wires, shall be carried across the railway in accordance with the approved drawing, and a pipe or pipes, conduit or conduits, cable or cables shall, for the whole width of the right of way adjoining the highway, be laid at the depth called for by, and shall be constructed and maintained in accordance with, the specifications hereinafter set forth.

2. All work in connection with the laying and maintaining of each pipe, conduit or cable and the continued supervision of the same, shall be performed by, and all costs and expenses thereby incurred be borne and paid by the applicant; but no work shall at any time be done in such manner as to obstruct, delay, or in any way interfere with the operation or safety of the trains, traffic or other work on the said railway.

3. The applicant shall at all times maintain each pipe, conduit or cable in good order and condition, so that at no time shall any damage be caused to the property of the railway company, or any of its tracks be obstructed, or the usefulness or safety of the same for railway purposes be impaired, or the full use and enjoyment thereof by the said railway company be in any way interfered with.

4. Before any work of laying, removing, or repairing any pipe, conduit or cable is begun, the applicant shall give to the railway company at least seventy-two hours prior notice thereof, in writing, accompanied by a plan and profile of the part of the railway to be affected, showing the proposed location of such pipe or conduit and works contemplated in connection therewith, and the said railway company shall be entitled to appoint an inspector to see that the applicant, in performing said work, complies, in all respects, with the terms and conditions of this order, and whose wages, at a rate not exceeding \$3 per day, shall be paid by the applicant. When the applicant is a municipality and the crossing is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.

4-a. It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company, as above provided, in regard to necessary work to be done in connection with the repair or maintenance of the crossing when such work becomes necessary through an unforeseen emergency.

5. The applicant shall, at all times, wholly indemnify the company owning, operating, or using the said railway of, from and against all loss, costs, damage, and expense to which the said railway company may be put by reason of any damage or injury to person or property caused by any pipe, conduit, cable or any works or appliances herein, or in the order authorizing the work provided for, not being laid and constructed in all respects in compliance with the terms and provisions of these conditions, or if, when so constructed and laid, not being at all times maintained and

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kept in good order and condition and in accordance with the terms and provisions of said order, or any order or orders of the board in relation thereto, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of any of the employees or agents of the applicant.

6. Nothing in these conditions shall prejudice or detract from the right of any company owning, or operating or using the said railway to adopt, at any time, the use of electric or other motive power, and to place and maintain upon, over, and under the said right of way such poles, wires, pipes and other fixtures and appliances as may be necessary or proper for such purposes. Liability of the cost of any removal, change in location or construction of the pipes, conduits, wires, or cables constructed or laid by the applicant rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the board on the application of the party interested.

7. Any dispute arising between the applicant and the company owning, using, or operating said railway as to the manner in which any pipe or conduit, or any works or appliances herein provided for, are being laid, maintained, renewed, or repaired, shall be referred to the engineer of the board, whose decision shall be final and binding on all parties.

Under-crossing.—Specifications:

A.A. Conduit.—Vitrified clay, creosoted wood, metal pipe, armoured cable or fibre conduit may be used.

B.B. Depth.—The excavation to be of sufficient depth to allow the top of the duct to be at least 3 feet below the bottom of the ties of the railway track.

C.C. Laying.—The conduit or duct to be laid on a base of 3 inches of concrete, mixed in proportion, 1 of cement, 3 of sand and 5 of broken stone or gravel. Where stone is used, such stone to be of a size that will permit of its passing through a 1-inch ring. After ducts are laid, the whole to be encased to a thickness of 3 inches on top and sides in concrete mixed in the same proportions as above.

Where the track is on an embankment a pipe may be driven through the latter.

D.D. Filling in.—The excavation must be filled in slowly and well tamped on top and side.

E.E. Guard.—The excavation must at all times be safely protected by the applicant.

Wednesday, the 12th day of November, A.D., 1913.

In the matter of the application of the Bell Telephone Company of Canada, herein-after called the "Applicant Company", under section 360 of the Railway Act, for approval of general form of contract to be entered into between the Applicant Company and any other Company, Municipality, or Corporation having authority to construct and operate a Telephone System or Line, on File with the Board under File No. 3839, Case No. 538, Part II:

Upon the hearing of the application at the sittings of the board held in Toronto, April 30, 1913, in the presence of counsel for the applicant company and the Independent Telephone Companies, and what was alleged; and upon the reading of the written submissions, filed—

It is ordered that the general form of contract to be entered into between the applicant company and any other company, municipality, or corporation having authority to construct and operate a telephone system or line, for the interchange of telephone messages or service passing to or from their respective telephone systems and lines, the division or apportionment of telephone tolls, and the management, working, or operation of their respective telephone systems or lines, herein set out, be, and it is hereby, approved, namely:

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"Memorandum of Agreement made in

this _____ day of

nineteen hundred and

Between:

"The Bell Telephone Company of Canada, Limited, hereinafter called the 'Bell Company,'

_____ of the first part.

and

hereinafter called the 'Proprietor', with headquarters at

_____ of the second part.

"Whereas the proprietor at present operates or is about to operate a _____ telephone system known as _____ in the county of

_____ province of _____ which system is not operating in competition with the Bell Company:

"And whereas the parties hereto consider that the interests of the public, and their interests, will be promoted by connecting together their respective telephone systems for the purpose of interchanging telephonic communications.

"Now this agreement witnesseth that in consideration of the mutual promises and agreements hereinafter contained, the parties hereto agree as follows:—

"1. For an interchange at _____ of telephone communications between the subscribers and other patrons of the proprietor and the subscribers and other patrons of the Bell Company; and subject to the provisions of clauses 2 and 4 hereof to the furnishing of necessary switchboard and operating facilities for such interchange at the charges hereinafter set forth: the party owning the switchboard by which the interchange is carried on shall not be required to furnish additional switchboard facilities for the purpose of providing a local interchange of messages with or between the subscribers and patrons of the other party, unless the first mentioned party operates an exchange of more than ten (10) local subscribers at said point.

"In case the said exchange is not operated for more than ten (10) local subscribers, and the party owning the switchboard declines to provide the additional switchboard facilities for the purpose aforesaid, the other party may establish its own exchange; and the connection for interchange of communications shall thereafter be continued by means of trunk circuits, and the systems shall not be considered on that account as competing.

"2. In case the necessary switchboard and operating facilities for the lines of the proprietor's system are not furnished by the proprietor as provided by clause 4 hereof, the Bell Company shall, subject to the exception mentioned in clause No. 1 hereof, provide such facilities, and the proprietor in that event shall pay the Bell Company the sum of _____ dollars per annum, payable semi-annually in advance, for each telephone set connected to the lines of the system of the proprietor which terminates upon the Bell Company's switchboard, other than trunk circuits or party lines on the toll plan, which amount shall entitle the subscribers of the proprietor to local service to or from the subscribers of the Bell Company's exchange at _____ and shall also cover the necessary local switching among the subscribers of the proprietor and also between subscribers of the proprietor and subscribers of other telephone systems connected with the said exchange (other than by trunk circuits or by party lines on the toll plan).

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"3. In all cases where the proprietor is paying an annual charge, as provided for in clause 2 hereof, the charge for each message or conversation transmitted between non-subscribers of the proprietor and subscribers or non-subscribers of the Bell Company at also between non-subscribers of the Bell Company at and subscribers or non-subscribers of the proprietor, shall be such charge to be divided to the Bell Company and the balance to the proprietor.

"4. In case the proprietor is operating or may, during the period of this agreement, operate and maintain the proprietor's own switchboard, such switchboard being connected by trunk circuits with the Bell Company's exchange at the charge for each message or conversation to or from subscribers and patrons of the Bell Company connected with such exchange shall be cents, and the amount of such charge shall accrue to the party upon whose system the message or conversation terminates: Provided, however, that by mutual agreement, the aforesaid charges may be commuted, substituting therefor an annual payment for each telephone set connected to the proprietor's switchboard or exchange.

"5. In case the proprietor is operating, or is about to operate, rural party lines and does not wish to connect with the Bell Company in the manner mentioned in clause 2 or clause 4 hereof, the Bell Company shall, subject to the exception mentioned in clause 1 hereof, provide the switchboard facilities to connect such lines of the proprietor with its exchange at the charge for each message or conversation to or from subscribers and patrons of the Bell Company connected with such exchange shall be cents, and the amount of such charge shall accrue to the party upon whose system the message or conversation terminates.

"6. In all cases where trunk circuits or party lines on the toll plan connect with the Bell Company's exchange at the latter company shall receive a switching charge of 5 cents on each message or conversation transmitted over such trunk circuits or party lines on the toll plan to or from the lines of other telephone systems whose lines terminate upon said exchange and whose switching is done by the Bell Company, as provided for in clause No. 2 or clause No. 3 hereof. This switching charge shall be payable by the system on whose lines the message or conversation originates, and unless otherwise provided for by mutual agreement between any two systems connecting at such exchange, there shall (except in the case of intercommunications between two trunk circuits) be a further charge of cents, payable to the Bell Company on each message or conversation transmitted as in this clause mentioned, which further charge, however, shall be paid over by the Bell Company and shall accrue to the system upon whose lines the message or conversation terminates.

"7. In all cases where two or more telephone systems connect by trunk circuits with the Bell Company's exchange at a switching charge of five cents (5c) shall accrue to the Bell Company on each message or conversation originating on one of such telephone systems switched through the Bell Company's exchange to the other telephone system, and the system on which the message or conversation originates, shall be responsible to the Bell Company for the charge.

"8. The charge for each message or conversation transmitted to or from points on the system of the proprietor and to or from points on the system of the Bell Company other than shall be the established long distance rates of the Bell Company, plus the proprietor's charge of each party to receive its own charge, and the party on whose line the call originates shall collect and be responsible for such charge. Provided, however, that the Bell Company shall not be obliged to collect and be responsible for the proprietor's charge if the proprietor fails to collect a like charge on messages originating on the proprietor's system.

"9. The charges provided for in clauses No. 2 and 4 hereof shall apply, for the same class of service, to all telephone systems or lines which are or may become connected with the Bell Company's exchange at during the period of this agreement.

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" 10. Unless otherwise provided herein, the rates and tolls charged shall be for day service only, unless at the date of this agreement the party operating the exchange at is furnishing its subscribers with continuous service, in which case the rates and tolls shall include such service.

" 11. The Bell Company's representative at shall establish connections, time and supervise all conversations, check duration of same, and compute the charge accruing to each party, and when required, the length of time and amount of charge shall be stated at the termination of each conversation or message for the information of the person who originates the call.

" 12. The proprietor shall adopt the Bell Company's standard code signals for ringing subscribers on party lines, where said lines terminate upon the Bell Company's switchboard.

" 13. The proprietor shall adopt and observe in the handling of interchanged telephonic communications the operating rules of the Bell Company, and for all communications passing over the Bell Company's lines or involving the equipment of the Bell Company, shall require the subscribers and other patrons of the proprietor to observe such rules and regulations of the Bell Company.

" 14. Each party shall collect all tolls for communication interchanged under this contract originating on its system, and account to and be responsible to the other party for its portion of such tolls.

" 15. Where the Bell Company operates the exchange through which the interchange is carried on, its representative at such exchange shall furnish monthly to the proprietor toll accounts in detail for amounts accruing to the Bell Company against each subscriber's station on the lines of the proprietor connecting directly with the Bell Company's switchboard other than by trunk circuits.

" 16. Each month a summary of business interchanged during the preceding month shall be furnished by the Accounting Department of the Bell Company to the proprietor, represented by at and a settlement shall be made of the amount due to either party within thirty (30) days after the receipt of such summary, and after the expiration of the aforesaid thirty (30) days, interest at the rate of six per cent (6 p.c.) per annum shall be added to all accounts in arrear, and in the event of the said amount, with interest, not being paid at the expiration of three months from the date of the aforesaid summary being furnished, then the party not in default may cancel this agreement.

" 17. The proprietor shall place approved air gap lightning protectors, properly grounded, at the junction point where the lines of the proprietor connect with the lines of the Bell Company.

" 18. Each party hereto shall maintain its liners and instruments in good working order, and make all repairs thereto with reasonable despatch.

" 19. The proprietor shall indicate upon maps to be furnished by the Bell Company, the location of the proprietor's pole routes and public pay stations, and shall furnish such information with respect to the names and address of subscribers as may be reasonably needed by the Bell Company in making proper directory listings and for the proper handling of traffic.

" 20. Upon request of the Bell Company, the proprietor shall furnish promptly a list of the proprietor's subscribers for publication previous to the issue of the Bell Company's Telephone Directory; but the proprietor shall in no way hold the Bell Company liable for any errors or omissions in the printing or listing of such subscribers. The Bell Company, however, shall be under no obligation to publish a list of the proprietor's subscribers unless the proprietor purchases from the Bell Company at cost a copy of at least one issue per annum of such directory for each of the proprietor's subscribers.

" 21. Neither party shall be liable to the other for any error in sending messages or for the failure of any conversation, whether it be the fault of any operator, agent,

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or other person, or from any cause whatsoever, and each party hereto shall alone be liable (if there be any liability) for any accident, damages, losses, or costs, occurring or incurred at or on its lines or instruments.

"22. Each party hereto reserves the right to refuse the interchange service with subscribers or other patrons in cases where the telephone equipment or lines are not in sufficiently good condition to provide commercial transmission.

"23. In the event of either party to the present agreement making an assignment for the benefit of its creditors, or becoming bankrupt or insolvent, the other party may by simple notification in writing, cancel and annul the present contract, unless some reasonable security is given to such last party to recover all sums of money which might then be due to it under the terms hereof.

"24. The present contract is entered into subject to the approval of the Ontario Railway and Municipal Board, and shall have no force or effect until approval is given. The Bell Company agrees forthwith to apply for and take out an order from the said board granting such approval, and upon the said order being issued, the proprietor shall recoup the Bell Company for one-half of any charge or fee paid to the said board on account of the issue of such order.

"25. The present contract is entered into subject to the approval of the Board of Railway Commissioners for Canada, in so far as such approval may be necessary.

"26. In the event of either party entering into competition with the other, the present contract may be terminated by the Board of Railway Commissioners for Canada, upon the application of the party aggrieved and proof of the existence of such competition, and in such case the connection shall be continued only for long distance purposes, on the terms and conditions of order No. 14134 of the said board, or as such order may be modified from time to time by the Board and such other conditions as the board may impose.

"27. This agreement shall enure to and be binding upon the parties hereto and their successors or assigns, but shall not be transferable by either party without the consent of the Board of Railway Commissioners for Canada, and shall continue for a term of years from day of nineteen hundred and and in the absence of written notice to be given by either party to the other, sixty(60) days prior to the expiration of such term, shall continue and remain in force from year to year thereafter until cancelled by written notice to be given by either party at least sixty (60) days prior to the expiration of any yearly period.

"In witness whereof the parties hereto have executed these presents.

THE BELL TELEPHONE COMPANY OF CANADA, LIMITED."

Secretary.

President.

(Signed) H. L. DRAYTON,

Chief Commissioner.

GENERAL ORDER No. 115.

FRIDAY, the 19th day of December, A. D. 1913.

In the matter of the tariffs filed by railway companies subject to the jurisdiction of the board, imposing a charge for the detention of refrigerator cars over and above the car service charges prescribed by order of the board No. 906, dated January 25, 1906. File 1700.65.

In pursuance of the powers conferred upon it under sections 30 and 323 of the Railway Act and all other powers possessed by the board in that behalf—

It is ordered that, for the present and pending investigation by the board, the following tariffs, namely: Grand Trunk Railway Company's C.R.C. No. E2855;

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Canadian Pacific Railway Company's C.R.C. No. E2716; Canadian Northern Railway Company's C.R.C. No. E358; Michigan Central Railroad Company's C.R.C. No. 2162; Toronto, Hamilton and Buffalo Railway Company's C.R.C. No. 945; and Ottawa and New York Railway Company's C.R.C. No. 989, be, and they are each of them hereby, suspended.

(Signed) H. L. DRAYTON,

Chief Commissioner.

GENERAL ORDER No. 116.

WEDNESDAY, the 24th day of December, A.D., 1913.

In the matter of the tariffs filed by railway companies subject to the jurisdiction of the board, increasing the minimum carload weights on buckwheat, oats, bran (in bulk), dried beet pulp, oat hulls (in bulk), pea hulls (in bulk), shorts, beets (except sugar), onions, turnips, and potatoes: File 23414.

In pursuance of the powers conferred upon it under sections 30 and 323 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that, for the present and pending investigation by the board, the said increased minimum carload weights on buckwheat, oats, bran (in bulk), dried beet pulp, oat hulls (in bulk), pea hulls (in bulk), shorts, beets (except sugar), onions, turnips, and potatoes, as published in the following schedules, namely:—

	C.R.C. No.
Grand Trunk.....	E. 2857
Grand Trunk.....	E. 2859
Grand Trunk, Supplement 14 to.....	E. 2566
Grand Trunk, Supplement 4 to.....	E. 2708
Canadian Pacific.....	E. 2715
Michigan Central, Supplements 3 and 4 to.....	2022
Michigan Central, Supplement 1 to.....	1998
Michigan Central, Supplement 3 to.....	1721
Michigan Central.....	2159
Canadian Northern, Supplement 5 to.....	E. 144
Canadian Northern, Supplement 7 to.....	E. 145
Canadian Northern, Supplement 6 to.....	E. 176
Canadian Northern, Supplement 1 to.....	E. 210
Canadian Northern, Supplement 4 to.....	E. 232
Ottawa & New York.....	986
Ottawa & New York, Supplement 1 to.....	215
Ottawa & New York, Supplement 1 to.....	417
Ottawa & New York, Supplement 3 to.....	755
Wabash.....	758
Pere Marquette.....	1696
Niagara, St. Catharines & Toronto, Supplement 3 to.....	601
Toronto, Hamilton & Buffalo.....	943
Quebec, Montreal & Southern.....	493
Hamilton, Grimsby & Beamsville.....	138
Napierville Junction.....	121
Thousand Islands, Supplement 5 to.....	218
Schomberg & Aurora, Supplement 6 to.....	80
Hull Electric.....	F. 17
Essex Terminal.....	214
Windsor, Essex & Lake Shore Rapid.....	131
Chatham, Wallaceburg & Lake Erie.....	312

be, and they are hereby, suspended.

(Signed) H. L. DRAYTON,

Chief Commissioner.

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GENERAL ORDER No. 117.

File No. 4397-11.

THURSDAY, the 8th day of January, A.D. 1914.

In the matter of the minimum through charge of the express companies subject to the jurisdiction of the board for shipments of express freight carried by two or more companies in Canada.

Upon the consideration of the matter with representatives of the express companies, and the reading of what has been filed, and the recommendations of the chief traffic officer of the board—

It is ordered as follows:—

1. On and after February 1, 1914, shipments of express freight subject to the table of graduate charges for shipments weighing less than 100 pounds incorporated in the Express Classification for Canada approved by the board, the carriage of which between points in Canada involves the services of two or more express companies subject to the jurisdiction of the board, shall be charged the appropriate "graduate" under the lowest through or aggregate rate per 100 pounds.

2. Section (c) of rule No. 9 of the conditions of carriage of the said Express Classification, imposing (subject to qualification) a minimum through charge of 60 cents when the through or aggregate rate per 100 pounds is less than two dollars, shall be abolished on and after the said date.

3. The said express companies shall, by lawful notice, jointly publish and file an amendment to the said Express Classification giving effect to this order on the said date.

(Signed) H. L. DRAYTON,
Chief Commissioner.

GENERAL ORDER No. 118.

File No. 548.

THURSDAY, the 15th day of January, A.D. 1914.

In the matter of the complaint of W. G. McMahon, of Winnipeg, Man., with respect to the refusal of railway companies to accept carload and less-than-carload freight for flag stations when consigned "to order."

Upon hearing the matter at the sittings of the board held in Ottawa, October 23, 1913, in the presence of counsel for the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railway Companies, and what was alleged—

It is ordered:—

1. That railway companies subject to the jurisdiction of the board accept freight consigned "to order," for delivery at "flag" stations, provided—

(a) That the shipper consign the freight to the regular station of the delivering carrier on the direct route, nearest to, but short of, the flag station where delivery is desired;

(b) That the said shipper show on his shipping order the full address of the person to be notified of the arrival of the freight at the said regular station, and the name of the flag station at which delivery is desired.

2. That the said addressee be given forty-eight hours, exclusive of legal holidays, from the time of the despatch to him of the said arrival notice, within which to give the agent in whose care the goods are held the endorsed bill of lading and directions for re-shipment to the flag station, lawful demurrage or warehouse storage, as the case may be, to be chargeable after the lapse of the said time allowance for any further delay in furnishing the said bill of lading and directions.

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3. That the additional charge for the further carriage from the said regular station to the flag station be the lawful local rate between the said stations in the case of less-than-carloads, and three dollars per car and the balance (if any) of the through rate from the original point of shipment, in the case of carloads.

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner.

File 548. Shipments consigned "To Order" to Flag Stations.

ASSISTANT CHIEF COMMISSIONER:

Mr. W. G. McMahon, of Winnipeg, has brought to the attention of the board the practice of railway companies of refusing to take shipments, either C.L., or L.C.L. to flag stations, when consigned "to order."

As a railway company has no agent at a flag station to guard the property pending proof of ownership by the production and surrender of the endorsed bill of lading, it is quite justified in refusing to accept shipments to flag stations when consigned "to order."

This question was set down for the sittings at Ottawa, on the 23rd October last, for discussion with the railway companies; the Canadian Pacific, the Grand Trunk, the Canadian Northern, the Michigan Central, and the Canadian Freight Association being notified. After hearing what was submitted by the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company—the other parties notified not appearing—the matter was reserved.

It would be convenient in many cases, to both shippers and consignees, if some arrangement could be made to provide for shipments consigned "to order" being sent to flag stations. As I have already said, they cannot be sent direct to flag stations; but such shipments might be consigned to the nearest regular station short of the flag station and the consignee notified, his address being given in the shipping order by the shipper for this purpose. He could then send the endorsed bill of lading and the freight charges, if any, to the company's agent, or produce them in person, and the goods could then be sent on from the regular station to the flag station.

For the re-consignment from the agency station to the flag station, in the case of L.C.L. shipments, it would be fair to permit the railway company to collect the local rate. It must be remembered that the railway company would have to perform a special service, and it should be paid a fair amount for it. The goods upon reaching the regular station, in the case of L.C.L., would have to be unloaded into the freight house and left there until the consignee sent, or called with, the endorsed bill of lading. The goods would have to be then re-loaded and again unloaded at the flag station. I think in such cases, the local rate from the billing point on to the flag station would be fair remuneration to the railway company.

In the case of carloads, the unloading and re-loading mentioned in the case of L.C.L. would, of course, not have to be done. The car would be put on the siding and left there, and the consignee notified. Then, when he had done what was necessary to release the car, it would be picked up by a way freight and left at the flag station. It seems to me that for this service, the rate should be through rate to the flag station, plus a three-dollar additional charge for the extra terminal service and for re-billing. This is the general charge which the board approved of for somewhat similar service by order 6901 of the 16th April, 1909, and it seems to me that it would be fair remuneration to the railway companies for the additional service they would have to render in the present case. A detention allowance of forty-eight hours from the time of the despatch of the notice of the arrival of the car by the agent to the

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consignee, should be sufficient for the surrender of the endorsed bill of lading at the agency station, after which the carrier will be entitled to charge and collect the authorized demurrage toll for each additional twenty-four hours (or part thereof) of detention, over and above the three dollars terminal service charge.

A general order, embodying the above suggestions, may issue, laying down the practice which is to be followed by the railway companies in such cases in the future.

OTTAWA, January 8, 1914.

D'ARCY SCOTT.

I Agree.

S. J. McL.,

A. S. G.

GENERAL ORDER 119.

SATURDAY, the 31st day of January, A.D. 1914.

In the matter of various complaints received by the board stating that the Canadian Pacific Railway Company, the Canadian Northern Railway Company, and the Grand Trunk Railway Company of Canada are removing regular station agents from various specified stations west of Fort William and Port Arthur, such complaints further alleging that such removal on inadequate notice works to the detriment of the applicants and the communities wherein they reside. File 14895:

In pursuance of the powers conferred upon it by sections 26, 28, 30, and 284 of the Railway Act, and of all other powers possessed by the board in that behalf—

The board doth order that, whenever a railway company subject to the jurisdiction of the board, intends to remove a regular station agent, it shall first notify the local municipality or Board of Trade of its intention to apply to the board for an order permitting such removal. Such application and notice shall state the grounds on which such removal is sought to be justified and shall, in each instance, show the gross earnings at the station in question from passenger as well as freight traffic and express business during the previous year.

It is further ordered that no regular station agent shall be removed until such removal be first authorized by the board.

(Signed) H. L. DRAYTON,

Chief Commissioner.

GENERAL ORDER No. 120.

TUESDAY, the 3rd day of February, A.D. 1914.

In the matter of special tariffs filed by railway companies subject to the jurisdiction of the board, establishing certain charges for the detention, by shippers and consignees, of refrigerator cars, when loaded with perishable freight, over and above the car service toll prescribed by order of the board No. 906, dated January 25th, 1906. File No. 1700-65.

Upon the hearing of the matter at the sittings of the board held in Toronto, January 27, 1914, in the presence of counsel for the Canadian Pacific and Grand Trunk Railway Companies, the Toronto Board of Trade, the Canadian Manufacturers' Association, and the Ontario Fruit Growers' Association, and what was alleged at the hearing—

It is ordered that the special tariffs of charges for detention of refrigerator cars when used for shipments of perishable freight, published and filed by railway companies subject to the jurisdiction of the board, be amended by eliminating the clauses therein relating to detention at the points of loading of the said cars.

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And it is further ordered that on the publication and filing of tariffs so amended, the general order of the board No. 115, dated the 19th day of December, 1913, and orders Nos. 21127 and 21128, dated the 29th and 27th days of December, 1913, respectively, be rescinded in so far as they affect the several railway companies filing said amended tariffs.

(Signed) H. L. DRAYTON,
Chief Commissioner.

GENERAL ORDER No. 121.

THURSDAY, the 26th day of February, A.D. 1914.

In the matter of the complaint of the Dominion Millers' Association and the Campbell Milling Company against the proposed increase in less than carload mileage rates on grain and grain products, published in tariffs of the railway companies, to take effect September 1, 1913; and the general order of the board No. 109, dated August 27, 1913, suspending the said increased mileage rates until further order of the board. File No. 22939.

Upon its appearing that an agreement has been reached between the millers' and the carriers' representatives for a basis of less than carload mileage rates to apply on grain and grain products in lieu of the rates suspended under the said order No. 109, the agreed rates to become effective March 2, 1914.

It is ordered that the said general order No. 109 be, and it is hereby, rescinded as from March 1, 1914.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

GENERAL ORDER No. 122.

WEDNESDAY, the 4th day of March, A.D. 1914.

In the matter of the General Order of the Board No. 116, dated December 24th, 1913, suspending, for the present and pending investigation, tariffs filed by railway companies subject to the jurisdiction of the board, increasing the minimum carload weights on buckwheat, oats, bran (in bulk), dried beet pulp, oat hulls (in bulk), pea hulls (in bulk), shorts, beets (except sugar), onions, turnips, and potatoes. File No. 23414.

Upon the return of the notice calling upon the railway companies to justify the proposed increase in the minimum weights on the commodities referred to, the Canadian Pacific Railway Company, the Toronto Board of Trade, the Grand Trunk Railway Company, and the Canadian Manufacturers' Association being represented at the hearing, and what was alleged; and upon the report of the traffic officer of the board—

It is ordered that the said general order No. 116, dated December 24, 1913, be, and it is hereby, rescinded.

(Signed) H. L. DRAYTON,
Chief Commissioner.

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GENERAL ORDER No. 123.

THURSDAY, the 19th day of March, A.D. 1911.

In the matter of the application of the Canadian Northern Railway Company for an order approving form No. 981, Release of Responsibility in connection with the transportation of clothing, wearing apparel, and personal effects (all second-hand), in trunks, securely corded, on file with the board under file Nos. 16749.32 and 8954:

Upon reading what was alleged in support of the application and the report of the chief traffic officer of the board—

It is ordered that the said form "Release of Responsibility," No. 981, respecting the carriage of clothing, wearing apparel, and personal effects (all second-hand), in trunks, securely corded, submitted by the applicant company and on file with the board under the said file No. 16749.32, be, and it is hereby, approved; the said form of release being in the terms following, namely:—

Form No.

.....Railway.

RELEASE OF RESPONSIBILITY.

In connection with the

Transportation of clothing, wearing apparel, and personal effects (all second-hand) in trunks, securely corded.

.....191...

Consignee and Destination.

Description of Shipment.

READ THIS SPECIAL CONTRACT.

In consideration of the.....Railway Company receiving the above mentioned trunk (or trunks) at.....station for carriage to.....and waiving further protection than is afforded by the cording thereof, which cording I hereby declare to be good and secure, I do hereby undertake that no claim in respect to injury to or loss of the said property, or any of it, will be made against the said company and its connections, or any of them, exceeding the amount of ten dollars for any trunk, or contents thereof, whether such loss or injury is occasioned by the negligence of the Company, its servants or agents or otherwise.

.....Shipper.

This release to be filed with shipping bill by shipping agent.

And it is further ordered that the said Form of Release be hereby made applicable to all railway companies under the jurisdiction of the board; the said companies being hereby authorized to use the said form upon their respective lines of railway until the board shall hereafter otherwise order and determine.

(Signed) H. L. DRAYTON,
Chief Commissioner

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GENERAL ORDER No. 124.

THURSDAY, the 30th day of April, A.D. 1914.

In the matter of the operation by railway companies subject to the jurisdiction of the board, of draw, or swing, or bascule bridges over navigable waters; and the question of regulations governing such operation. File No. 10291.

Upon reading the regulations governing the operation of draw, or swing bridges over navigable waters other than railway bridges, approved by order in Council dated the 29th June, 1910, the submissions on behalf of the Department of Marine and Fisheries, and the report and recommendation of the chief engineer of the board; and in pursuance of the powers conferred upon the board under sections 30 and 232 of the Railway Act, and of all other powers possessed by it in that behalf—

It is ordered that the regulations to govern the operation by railway companies within the legislative authority of the Parliament of Canada, of draw, or swing, or bascule bridges over navigable waters, following, be, and they are hereby, approved, namely:—

1. Every swing or drawbridge over a navigable water shall be marked at night by a white light on each side of the navigable channel, by white light on each end of the swing protection, and by a lantern surmounting the swing span showing a red light up and down the channel when the passage is closed, and green when the swing is open.

2. In the case of a bascule bridge of any description, it will suffice that a light showing green up or down a channel when the leaf or leaves are lifted, and red when the bridge is closed, be shown from one side or the other of the opening, or, preferably, carried on the end of the leaf. The white lights above described for a swing bridge also to be maintained.

3. The signal to be given by a steamer to have a swing opened shall be two long followed by two short blasts of the whistle.

4. Every swing or draw shall, whenever it is desired to have a vessel pass through the bridge, be in charge of some competent person present thereat, whose duty it shall be, upon being notified by whistle or in any other manner, that a vessel desires to pass through the bridge, to open the same as promptly as possible; and no such vessel shall pass through the bridge until the swing or draw is fully open.

5. Where, as in the case of the Canadian Northern Railway bridge over the Red river at Winnipeg and the freight bridge of the same railway over the Assiniboine river at Winnipeg, traffic is so slight that a bridge is required to be opened not more than once or twice a year, the lights provided for under clauses 1 and 2 of this order are required to be lit at night only when a vessel desires to pass through the swing or draw.

6. The Fraser River bridge, covered by order of the board No. 18626, dated February 6, 1913, and any other bridge covered by special order of the board whose terms differ from this order, shall be exempt from the provisions herein.

(Signed) H. L. DRAYTON,
Chief Commissioner.

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ORDER No. 22428.

MONDAY, the 24th day of August, A.D. 1914.

In the matter of general order of the board No. 124, dated April 30, 1914, prescribing regulations for the operation by railway companies subject to the jurisdiction of the board, of draw, or swing, or bascule bridges over navigable waters; and the application of the Department of Railways and Canals for an order amending the said general order No. 124 to provide, for the purpose of differentiation between the signal given for the United States and the Canadian Canals at Sault Ste. Marie, the signal for the Canadian Canal Bridge be three long followed by two short blasts of the whistle. File No. 10291.

Upon the reading of what is alleged, and the report and recommendation of the chief engineer of the board—

It is ordered that general order of the board No. 124, dated April 30, 1914, be, and it is hereby, amended to provide that the signal to be given by a steamer to have the swing opened on the Canadian Canal at Sault Ste. Marie, in the province of Ontario, be three long followed by two short blasts of the whistle.

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner.

GENERAL ORDER No. 125.

SATURDAY, the 30th day of May, A.D. 1914.

In the matter of the complaint of the Vancouver Board of Trade alleging discrimination in freight rates by the railway companies operating in the province of British Columbia; and the consideration of the matter of rates for the carriage of freight traffic upon railway lines in Canada west of Port Arthur, Ont. File No. 18755.

Upon the hearing of the matter at various sittings of the board held in the presence of counsel for, and representatives of, the railway companies affected, the Dominion Government, the Governments of the provinces of Saskatchewan, Alberta, and British Columbia, the city of Winnipeg and the Winnipeg Board of Trade, the city of St. Boniface and the St. Boniface Board of Trade, the United Farmers of Alberta, the Canadian Manufacturers' Association, and the Boards of Trade of Montreal, Toronto, Portage la Prairie, Brandon, Regina, Moosejaw, Saskatoon, Prince Albert, North Battleford, Edmonton, Medicine Hat, Calgary, Lethbridge, Nelson, Vancouver, and Victoria, the evidence adduced, and what was alleged, judgment, dated April 6, 1914, was delivered by the Chief Commissioner and concurred in by the other members of the board, a certified copy of the said judgment being attached hereto marked "A."

It is ordered that the terms of the judgment, which is hereby made part of this Order, and the tariff changes therein directed to be made, be complied with and become effective not later than 1st day of September, 1914.

And it is further ordered that, for a period of two years from the date of this order, no rates at present in effect west of Port Arthur, Ont., be increased without the approval of the board.

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner.

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GENERAL ORDER No. 126.

File 4741-F, part 2.

THURSDAY, the 28th day of May, A.D. 1914.

Whereas by circular of the board No. 133, dated May 5, 1914, railway companies subject to the jurisdiction of the board were required to submit monthly in duplicate, reports on fires originating within 300 feet of the track and burning over an area of 100 square feet or more outside the right of way.

And whereas application has been made on behalf of the Grand Trunk Railway Company for a declaration by the board that all reports submitted in accordance with the said circular No. 133 be treated as privileged, not open to the inspection of the public generally, nor copies given to applicants therefor.

Upon reading of what is filed in support of the application—

The board doth order that the report or reports submitted by railway companies in accordance with the said circular of the board No. 133 be, and the same is and are, hereby declared to be privileged, and shall only be made public or given out upon application therefor by order of the board.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

GENERAL ORDER No. 127.

MONDAY, the 6th day of July, A.D. 1914.

In the matter of the putting up and taking down of marker lights on cabooses, and circular No. 130, dated March 11, 1914, submitted to the railway companies subject to the jurisdiction of the board:
File No. 13453.2.

Upon the reading of the replies to the said circular filed by the railway companies and the report of the chief operating officer of the board, certain of the railway companies consenting to the adoption of the regulations particularly set out in this order regarding the putting up and taking down of marker lights on cabooses; and in pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that cabooses of all railway companies subject to the jurisdiction of the board be equipped as follows, namely:—

1. Where cabooses are equipped with marker sockets in the lower position, markers shall be carried in such lower sockets.

2. All cabooses hereafter constructed shall be equipped with marker sockets in the lower position.

3. All cabooses now in use not equipped with marker sockets in the lower position, shall be so equipped on or before the 1st day of November, 1914.

(Signed) H. L. DRAYTON,
Chief Commissioner.

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GENERAL ORDER No. 128.

File No. 11654.

MONDAY, the 20th day of July, A.D. 1914.

In the matter of the general order of the board No. 102, dated February 17, 1913, prescribing Rules and Regulations respecting Safety Appliances on trains of railway companies subject to the jurisdiction of the board.

Upon the report and recommendation of the chief operating officer of the board, and the reading of what is filed on behalf of the Canadian Pacific Railway Company—

It is ordered that railway companies subject to the jurisdiction of the board be, and they are hereby granted an extension of time until the 1st day of July, 1916, within which to make the following changes, namely:

(a) To change the location of brakes on all cars to comply with the standard prescribed in the regulations of the board, dated February 17, 1913.

(b) To comply with the standard prescribed in the said regulations in respect to all brake specifications contained therein.

(c) To change cars having less than 10 inches end ladder clearance within 30 inches of the side of car, to comply with the said regulations.

(d) To comply with the standard prescribed in the said regulations in respect to handholds, running-boards, ladders, sill steps, and brake staffs, except that when a car is shopped for work amounting practically to rebuilding body of car, it must then be equipped according to the standards prescribed in the said regulations.

And it is further ordered that railway companies subject to the jurisdiction of the board be not required to make changes to secure additional end ladder clearance on cars that have 10 or more inches end ladder clearance within 30 inches of side of car, or to make the changes in end ladders, side ladders, hand grips and steps which have been made in accordance with the provisions of section 264 of the Railway Act and the general order of the board No. 102, or to comply with the regulations of the board aforesaid, until the car is shopped for work amounting to practically rebuilding body of car, at which time such changes must be made to comply with the standards prescribed in the said order.

And it is further ordered that railway companies be not required to change the location of hand holds (except end hand holds under end sills), ladders, sill steps, brake wheels, and brake staffs on freight train cars where the appliances are within 3 inches of the required location, except that when cars undergo regular repairs they must then be made to comply with the standards prescribed in the said regulations.

(Signed) H. L. DRAYTON,
Chief Commissioner.

GENERAL ORDER No. 129.

File No. 24318.

WEDNESDAY, the 22nd day of July, A.D. 1914.

In the matter of increased special and competitive freight and express tolls, and suspensions thereof.

In pursuance of the powers conferred upon the board by sections 26 and 348 of the Railway Act, and of all other powers possessed by it in that behalf:

Upon the recommendation of the chief traffic officer of the board—

It is ordered as follows, namely:

1. No toll contained in any special or competitive freight or express tariff referred to in subsections 3 and 4 of section 326, and subsection 2 of section 348 of the Railway Act, shall be advanced until it has been in force for at least thirty days:

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Provided that when a special or competitive freight or express tariff contains a notice that any reduced toll shown therein will expire upon a given date, which date shall not be less than thirty days from the date upon which the said reduced toll becomes effective, the said notice shall be considered to comply with subsection 3 of section 328 of the Railway Act, as amended by section 11, 1-2 George V, chapter 22.

2. Except of its own motion, or on special grounds advanced, the board will not ordinarily suspend, or postpone the effective date, of any tariff, or any supplement to a tariff, or any particular rate, or rule, or regulation of the carriers subject to its jurisdiction, which directly, or in effect, increases the charge to be paid for the same or similar service, unless an application for suspension, or postponement, is received by the board at least fourteen days before the date when the charge complained against is published to become effective; such application to give the "C.R.C." number of the schedule, and the items thereof complained against.

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner.

GENERAL ORDER No. 130.

TUESDAY, the 28th day of July, A. D. 1914.

In the matter of the tariffs filed by certain railway companies, requiring additional railway tickets for the exclusive use of drawing rooms or compartments in sleeping and parlour cars; and the order of the board No. 21413, dated February 27, 1914, suspending the said tariffs pending investigation by the board. File No. 9451.

Upon the hearing of the matter at the sittings of the board held in Ottawa, March 17, 1914, in the presence of counsel for the Canadian Pacific, Grand Trunk, Ottawa and New York, and Canadian Northern Railway Companies and the Michigan Central Railroad Company, and what was alleged—

It is ordered that the following schedules, in so far as their purpose is to increase the tolls previously charged for the said accommodation locally between points both of which are in Canada, be, and they are hereby, disallowed, namely:—

Boston and Main Railroad Company's Tariff, C.R.C. No. 233.

Canadian Pacific Railway Company's Tariff, C.R.C. No. E-2410.

Canadian Pacific Railway Company's Tariff, C.R.C. No. W-1592.

Central Vermont Railway Company's Tariff, C.R.C. No. 378.

Grand Trunk Railway Company's Tariff, C.R.C. No. E-1989.

Grand Trunk Pacific Railway Company's Tariff, C.R.C. No. 317.

Great Northern Railway Company's Supplement No. 9 to Tariff (C.R.C. No. S-3).

Main Central Railroad Company's Tariff, C.R.C. No. 158.

Michigan Central Railroad Company's Tariff C.R.C. No. 1895.

Rutland Railroad Company's Tariff, C.R.C. No. 525.

New York Central & Hudson River Railroad Company's Tariff, C.R.C. No. 820.

Toronto, Hamilton & Buffalo Railway Company's Tariff, C.R.C. No. 935.

Wabash Railroad Company's Tariff, C.R.C. No. 818 and Supplement No. 1 thereto.

And it is further ordered that, on the receipt of this order, the said companies forthwith and by lawful notice publish and file schedules giving effect thereto.

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner.

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GENERAL ORDER No. 131.

MONDAY, the 6th day of July, A.D. 1914.

IN THE MATTER OF locomotive defects, and circular No. 127, dated February 24, 1914, submitted by direction of the board to railway companies under its jurisdiction for their consideration and report. File No. 21351.

Upon the reading of the replies to the said circular, filed by the railway companies, and the reports of the operating officers of the board, the railway companies, after various meetings and discussions, consenting, to the adoption of the regulations particularly set out in this order regarding locomotive defects; and in pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that the locomotive engines of railway companies subject to the jurisdiction of the board be not allowed to leave terminals, or to be used at terminals, in traffic service, on which any of the following defects exist, namely:—

1. *Steam leaks*.—Steam leaks from any part of the locomotive which render it impossible for engineer to see signals in sufficient time to enable him to bring his train to a stop within the required distance.

2. *Air brakes*.—Air brakes on locomotives or tenders not in serviceable condition.

3. *Wheel defects*.—Locomotives with steel or steel tired leading engine truck wheels, leading or trailing driving wheels, or tender wheels with flanges worn $\frac{1}{8}$ below M.C.B. wheel defect gauge for cars of less than 80,000 pounds capacity.

Locomotives with cast-iron engine truck wheels and cast-iron wheels under tender weighing over 130,000 pounds, with flanges worn $\frac{1}{8}$ below M.C.B. defect gauge for cars of 80,000 pounds capacity, or over.

Locomotives with cast-iron wheels under tender weighing 130,000 pounds, or less, with flanges worn $\frac{1}{8}$ below M.C.B. defect gauge for cars of less than 80,000 pounds capacity.

Locomotives with truck or tender wheels having shelled out or flat spots over $2\frac{1}{2}$ inches long, or so numerous as to endanger the safety of the wheel.

Steel tires on locomotives worn hollow $\frac{3}{8}$ inch in depth, or which are worn below safe limit of thickness. Railway companies to file with the board their standard limit of thickness of tires on all classes of locomotives, for approval.

Flat or shelled out spots on locomotive driving wheels 3 inches long.

4. *Springs*.—Locomotives with defective springs on any part of locomotive or tender which are unable to carry their respective weights when locomotive is standing.

And it is further ordered that the said railway companies be, and they are hereby, required, on or before the first day of January, 1915, to equip their locomotives with double windows in the front of the cabs during the winter season, November 1 to April 30; the same to be made air-tight.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

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GENERAL ORDER No. 132.

FRIDAY, the 2nd day of October, A.D. 1914.

In the matter of the complaints of the Montreal, Toronto, Hamilton, and Edmonton Boards of Trade, the Shippers' Section of the Winnipeg Board of Trade, the Ontario Wholesale Grocers' Guild, the British Columbia Wholesale Grocers' Exchange, the Retail Merchants' Association of Canada (Saskatchewan Provincial Board), the Wholesale Grocers of Regina, the Dominion Wholesale Grocers' Guild, and Balfour, Smye & Company against the cancellation of mixing privileges in connection with carloads of groceries, dried fruit, and liquors from Eastern Canada points to points in Western Canada: File No. 18755.21.

Upon the hearing of the matter at the sittings of the Board held in Montreal, September 24, 1914, in the presence of counsel for the Canadian Northern, Grand Trunk, Grand Trunk Pacific, and Canadian Pacific Railway Companies, the Montreal and Toronto Boards of Trade, the Montreal Liquor Associations, Balfour, Smye & Company, Eby, Blain & Company. The Wholesale Grocer's Guild and Law, Young & Company being represented at the hearing, and what was alleged—

It is ordered that the railway companies which, immediately before September 1, 1914, had in effect by tariffs filed with the board arrangements whereby mixed carloads of groceries, classifying fifth class in straight carloads, and dried fruits, classifying fourth class in straight carloads, also foreign and domestic liquors in mixed carloads, were carried in each case at the carload rates applicable to each commodity respectively to destinations west of and including Port Arthur, Ont., publish and file tariffs restoring the said arrangements and making them effective from and including September 1, 1914, until otherwise ordered by the board, the said arrangements having been abolished by tariffs published and filed by the following railway and railroad companies and numbered as follows, namely: Algoma Central, C.R.C. 251; Boston & Maine, C.R.C. 1532, 1533, 1537, and 1542; Canadian Northern, C.R.C. W. 794, W. 789, W. 812, W. 813, and E. 485; Canadian Pacific, C.R.C. W. 1953, W. 1959, W. 1973, W. 1979, E. 2843, E. 2844, and E. 2845; Central Vermont, C.R.C. 962, 964, 965, and 968; Chatham, Wallaceburg & Lake Erie, C.R.C. 331, 332, 334, and Supplement 1 to 324; Dominion Atlantic, C.R.C. 421, 422, and 424; Essex Terminal, C.R.C. 236, 238, 239, and 241; Grand Trunk, C.R.C. E. 2958, E. 2959, and E. 2977; Grand Trunk Pacific, C.R.C. 23, 24, 36, and 41; Great Northern, C.R.C. 1049, 1064, 1066, Supplement 13 to 925, and Supplement 3-A to 1019; Hull Electric, C.R.C. 32 and 33; Michigan Central, C.R.C. 2246, 2247, 2249, and Supplement 2 to 2200; Midland of Manitoba, C.R.C. 44 and 47; New York Central & Hudson River, C.R.C. 3179, 3180, 3183, and 3190; Ottawa & New York, C.R.C. 1028, 1031, 1033, and 1036; Père Marquette, C.R.C. 1789, 1790, 1792, Supplement 8 to 1445, Supplement 6 to 1475, and Supplement 14 to 1041; Quebec, Montreal & Southern, C.R.C. 503, 504, 506, and 510; Quebec Railway, Light and Power, C.R.C. 73 and 74; Schomberg & Aurora, C.R.C. 87, 88, and 92; Thousand Islands, C.R.C. 250, 251, and 254; Toronto, Hamilton & Buffalo, C.R.C. 972, 973, and 976; Wabash, C.R.C. 806, 807, and 809; Windsor, Essex & Lake Shore Rapid, C.R.C. 143, 144, 146, and 147.

(Signed) D'ARCY SCOTT,

Assistant Chief Commissioner.

GENERAL ORDER NO. 133.

SATURDAY, THE 19th day of December, A.D., 1914.

In the matter of the proposed cancellation on the 1st day of January, 1915, of the arrangements whereby mixed carloads of foreign and native liquors, and mixed carloads of groceries, classified 5th class in straight carloads, and dried fruits classi-

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fied 4th class in straight carloads are carried at their respective carload rates between points west and including Port Arthur, and thereto from eastern points. File No. 18755.21.

Upon hearing the matter at the sittings of the board held in Toronto, December 12, 1914, the Toronto Board of Trade, the Montreal Board of Trade, the Hamilton Board of Trade, and other parties interested being represented at the hearing, and what was alleged; and upon reading the submissions filed—

It is ordered that the proposed cancellation of the said arrangements be, and it is hereby, suspended until further order of the board.

(Signed) H. L. DRAYTON,

Chief Commissioner.

CIRCULAR NO. 94.

OTTAWA, October 21, 1912.

File 20718. Accidents to employees through riding on pilots of engines.

The board has, from time to time, received returns of a number of accidents resulting in serious, and, sometimes fatal injuries to employees through riding on pilots of engines, and I am directed to ask that instructions be issued by railway companies subject to the jurisdiction of the board that this practice of riding on pilots of engines, except when switching in yards, must be discontinued under penalty of being disciplined.

By order of the board.

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR NO. 95.

OTTAWA, November 6, 1912.

File 9610. Equipment of Electric Cars with Air Brakes.

I am directed to ask that all electric railway companies subject to its jurisdiction, furnish the board with a statement showing the condition of their equipment at present so far as power brakes are concerned.

By order of the board.

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 96.

OTTAWA, November 6, 1912.

Order No. 12225. Protection of Railway Employees.

In connection with accidents and other matters reported upon by the board's inspectors from time to time, the board has become impressed with the apparent unfamiliarity of a number of railway employees with the requirements of Order No. 12225, dated November 9, 1910, issued for the protection of such employees, and I am directed to ask that the contents of this Order be made known as widely and as thoroughly as possible.

By order of the Board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

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CIRCULAR No. 97.

OTTAWA, November 8, 1912.

The board's officers are of the opinion that the number of persons killed and injured in accidents due to derailments, head on and rear end collisions, would be very much reduced, if the trucks of the cars were so attached to the body that the body could not leave the truck in case of derailment, head-on or rear-end collision.

The board desires your company to give this matter serious consideration, so that, when this matter is spoken to at an early sitting, a decision can be arrived at.

By order of the Board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 98.

OTTAWA, November 12, 1912.

File 20847. Protection to Car Repairers while at work on repair tracks.

The board's attention has been called to several accidents which have recently taken place wherein car repairers have met with serious injury while working on repair tracks, and I am directed to state that all railway companies subject to the jurisdiction of the board will at the sittings to be held in Ottawa on Tuesday, December 3, 1912, be called upon to speak to the question of providing more efficient protection to car repairers working on repair tracks and to ask the companies to be prepared with suggestions and for a general discussion of the question on that date.

By order of the Board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT No. 1 TO CIRCULAR No. 98.

OTTAWA, January 13, 1913.

File 20847. Protection to Car Repairers while at work on repair tracks.

I am directed by the board to ask that railway companies subject to the board's jurisdiction file, within sixty days, a statement giving the name of each point at which car repairers are located, and explaining the manner in which car repair tracks at such points are now protected.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT No. 2, To CIRCULAR No. 98.

OTTAWA, March 17, 1913.

File 20847. Protection to Car Repairers.

DEAR SIR,—This matter was the subject of a general discussion at a sittings of the board held at Ottawa on December 12, last.

The present practice of using a flag for protection purposes is considered very unsatisfactory and a simple device, as set forth in the attached diagram, has been suggested for use. This could be made of light steel or wood, made so as to fold up,

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and when opened up can hang on the ladder rungs by hooks, as shown by sketch "A" on the sketch. The disk could project 18 inches beyond the car and be 10 inches in depth, with a hook on the bottom side for hanging a lantern for night use. This disk would not be subject to the caprice of the wind as a flag would, and would be readily discernible for the full length of any ordinary train. Furthermore, as it can be so easily applied, there will be no excuse for failure of employees to neglect its use.

The board will be glad if the railway companies will give this suggestion careful consideration and let the board have their views thereon as early as possible.

Yours truly,

A. D. CARTWRIGHT,

Secretary, B.R.C.

SUPPLEMENT No. 3 TO CIRCULAR No. 98.

OTTAWA, April 3, 1913.

File 20847. Protection to Car Repairers.

Referring to the circular and supplements issued herein. I am directed to advise you that it is intended that the arm of the disc referred to, be painted blue, and that a blue light be used at night, as required by the Standard Rules.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 99.

OTTAWA, December 2, 1912.

Application for Branch Lines, Section 222.

I am directed to inform you that, in making application to the board for the approval of a branch line or spur, in addition to the plans required under the board's rules and regulations, it will be necessary for railway companies to supply municipalities, in any way interested, with blue print of final plans.

By order of the board.

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 100.

OTTAWA, December 3, 1912.

File 1750, Pt. 4—Order No. 12225—Protection of Railway Employees.

I am directed by the board to call the attention of the railway companies subject to its jurisdiction, to the requirements of clause 1, subsection "d," section 8, of order No. 12,225, whereby—

"Semaphores, signals, poles, or high or intermediate switchboards shall, within two years from the date of this order (November 9, 1910), be either removed or changed so that the same shall not be nearer than six feet from the gauge side of the nearest rail; or high and intermediate switch stands shall be changed to low or dwarf switchstands;"

and to ask that you advise, within thirty days of the receipt of this circular, what action has been taken towards carrying out the said order of the board.

By order of the board.

A. D. CARTWRIGHT,

Secretary, B.R.C.

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CIRCULAR No. 101.

OTTAWA, December 27, 1912.

File 21174—Location of Emergency Valve on Passenger Equipment.

DEAR SIR,—I am directed to inform you that at the sittings of the board to be held in Ottawa on Tuesday, January 7, 1913, the board will consider the advisability of standardizing the position of the emergency valve on passenger equipment in use by steam railways subject to the jurisdiction of the board.

By order of the board.

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 102.

OTTAWA, January 18, 1913.

Sharp flange wheels on locomotives and tenders.

The board's inspectors are reporting quite a number of locomotives in service with sharp flanges on wheels of both locomotives and tenders, flanges in many instances being worn down to and below the master car builders' standard allowance gauge.

Some of these locomotives are running on fast passenger trains; and while it is expected that freight cars may sometimes be found with flanges on wheels in the condition described above, it does not seem reasonable or safe to allow locomotives in service with wheel flanges worn so badly that they would not be accepted on cars at interchange points.

The board would, therefore, urge upon you the importance of issuing to those in charge of the motive power on your lines of railway such instructions as will ensure change of wheels before flanges are so badly worn as to come under the M.C.B. standard defect gauge.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 103.

OTTAWA, January 31, 1913.

File 21173. Injuries to Enginemen, through derailment while running engine tender first.

The board has been impressed with the number of injuries to enginemen (in some cases fatal), apparently due to engines being run tender first at excessive rates of speed; and hence the board directs that all steam railways subject to the jurisdiction of the board issue instructions requiring that engines running tender first, "other than suburban tank engines equipped with pilot on tender," shall not exceed a speed of 20 miles per hour, and that a copy of such instructions be filed with the board.

By order of the board.

A. D. CARTWRIGHT,
Secretary, B.R.C.

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CIRCULAR No. 104.

OTTAWA, February 4, 1913.

File 6713, Case 2846, re General Interswitching.

DEAR SIR,—I am directed to inform you that at a sittings to be held in Ottawa on Tuesday, February 18 next, commencing at ten o'clock in the forenoon, the board will take into consideration the proposed revision of order of the board No. 1988, dated July 8, known as the general interswitching order, and of the draft revise suggested by the board at the sittings held at Ottawa November 5, 1912, for examination and comment.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 105.

OTTAWA, February 4, 1913.

File 4205, Case 871, Flag Stations.

DEAR SIR,—I am directed to inform you that at the sittings of the board to be held in Ottawa on Tuesday, March 4, 1913, all railway companies subject to the jurisdiction of the board will be required to show cause why clause 4 of the board's flag station order No. 9160, dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000, instead of \$15,000 as at present.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT No. 1, TO CIRCULAR No. 105.

OTTAWA, April 1, 1913.

File 4205, Case 871, re Flag Stations.

DEAR SIR,—This matter came up for hearing at a sittings of the board, at Ottawa, Tuesday, March 4, when railway companies were required to show cause why clause 4 of the board's flag station order No. 9160, dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000, instead of \$15,000, as at present.

The board desires the following statistical information in connection with this matter.

(1) A statement of the stations where agents were put in in the year 1912 by the railway companies of their own volition.

(2) A statement as to the amount of traffic, both freight and passenger, at each such station when the agent was installed.

(3) Information as to the number of passengers, if possible, and also carload business as distinguished from L.C.L., showing the comparative volume as well as the income arising therefrom.

Will you please see that this information is obtained and forwarded to me without delay.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

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CIRCULAR No. 106.

OTTAWA, February 6, 1913.

File 3775-1. Reciprocal Demurrage.

DEAR SIR,—I am directed to inform you that at a sittings to be held at the Central Station building, Ottawa, Ont., on Tuesday, April 15, commencing at ten o'clock in the forenoon, the board will take up the question of reciprocal demurrage, and its suggested application in Canada.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT NO. 1 TO CIRCULAR NO. 106.

OTTAWA, March 13, 1913.

File 3775-1. Reciprocal Demurrage.

I am directed by the board to request that all boards of trade, trade associations, and shippers who are interested in the hearing by the board at Ottawa, April 15, next, of the question of the suggested application of so-called "reciprocal demurrage" in Canada, and have made complaints or representations to the board in connection therewith, file with the board, on or before March 25 next, full particulars of the alleged delays, or irregularities, upon which their complaints are based; these particulars to include car numbers, car initials, commodity, dates of shipment and arrival, points of shipment and destination, and name, or names, of the carrier, or carriers, together with facts pertinent to the said complaints.

A copy of such statement of particulars should be forwarded by the same mail to Mr. W. H. Biggar, general counsel, G.T.R., Montreal; Mr. E. W. Beatty, general solicitor, C.P.R., Montreal; or Mr. R. H. M. Temple, assistant solicitor, C.N.R., Toronto; as the case may be, where either of these three companies is concerned.

If the complaint is against any other railway, the copy should be forwarded to Mr. J. E. Duval, manager, Canadian Car Service Bureau, Montreal, Que.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT NO. 3 TO CIRCULAR NO. 106.

OTTAWA, May 7, 1913.

File 3775.1. Reciprocal Demurrage.

I am directed to inform you that at a sittings to be held at the Central Station building, Ottawa, Ont., on Tuesday May 20, commencing at ten o'clock in the forenoon, the board will take up the question of reciprocal demurrage, and its suggested application in Canada.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

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CIRCULAR No. 107.

OTTAWA, February 22, 1913.

File 4741-E. Clearing Rights of Way.

I am directed to call your attention to section 297 of the Railway Act, which provides that "the company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter."

On account of the large amount of rain during the summer of 1912, the growth of vegetation was unusually heavy. On this account the fire danger along railway lines is likely to be great during the early spring of 1913 and the ensuing summer, unless prompt and vigorous action is taken as required by section 297, above quoted.

The work of burning or otherwise disposing of combustible matter on rights of way should accordingly be begun at the earliest possible date in the spring and prosecuted vigorously until completed.

As required by regulation 10 of order 16570 such supervision of burning must be provided as will prevent fires from spreading beyond the strip being cleared.

Experience has shown that along portions of some lines, right of way clearing can be handled satisfactorily only by the employment of extra gangs. It is essential that each company take whatever steps are necessary to ensure prompt and efficient compliance with the requirements of section 297 of the Railway Act.

The board requests that you submit a statement showing what arrangements have been or will be made for handling this work on your lines.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B. R. C.

CIRCULAR No. 108.

OTTAWA, February 22, 1913.

*File 4741-Part 3. Re Instructions to Employees regarding Fire Protection.
Under Order No. 15570.*

DEAR SIR—I am directed by the board to inform you that it has under consideration the amendment of regulation 15 of order No. 16570, to read as follows:

Every such railway company shall give particular instructions to its employees in relation to the foregoing regulations, and shall cause such instructions to be posted and maintained at all stations, terminals, and section houses along its lines of railway. Said instructions to employees shall also be included in the employees time tables in use between April 1 and November 1 of each year. As to lines or portions of lines where in its judgment, the fire danger is not material, the Board may, upon application, waive the requirements as to the posting of public notices and the inclusion of special instructions in employees time tables.

I am further directed to request that you submit to the board in writing, within 30 days, any statement you may desire to make in this matter.

There is enclosed a tentative draft of instructions which may be used, if desired as a basis for the preparation of special instructions to employees, as required in said regulation 15 of order No. 16570. The issuance of these particular instructions is not prescribed. It is however, considered essential that the instructions to be issued shall embody the substance of regulations 6, 7, 10, 14, and 17 of order No. 16570.

Yours truly,

A. D. CARTWRIGHT,

Secretary, B. R. C.

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WORKING INSTRUCTIONS IN CONNECTION WITH ORDER NO. 16570 OF THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA, DATED MAY 22, 1912.

To Enginemen, Conductors, Brakemen, and Firemen:

It shall be the duty of train and engine crews on freight and passenger trains, when discovering a fire on or adjoining the right of way of the railway company, to stop and use every effort to extinguish such fire. In the event of this being impracticable, either by reason of the extent of the fire or its distance from the right of way, the train shall proceed to the first telegraph station, where the conductor shall wire a report to the superintendent, giving the exact location of the fire, and the action taken by engine and train crews concerning same. It shall also be the duty of enginemen to stop and notify the first section gang passed, regarding any fire not extinguished as above.

No employee shall do or cause damage or injury to any of the fire-protective appliances on any engine; open the back dampers of any engine while running ahead, or the front dampers while running tender first; or permit fire live coals, or ashes to be deposited on tracks or rights of way outside of yard limits, unless the same are extinguished immediately thereafter.

To Agents:

Enginemen and conductors of all trains have received instructions to report fire along the right of way and adjacent thereto, and it shall be your duty to notify the local fire inspector of the Railway Commission immediately, giving the exact location of the fire and its extent, and forthwith wire the superintendent, giving the location of the fire, the extent of the same, and any other information which may be of value, particularly as to the number of men needed to extinguish the fire.

To Roadmasters, Assistant Roadmasters, Master Carpenters, and other Officials:

In cases where fires are reported, it shall be the duty of any division official to proceed to the scene of the fire as quickly as possible and take charge of the work of fire fighting until he can be relieved by the division roadmaster. The man first on the ground should organize his men to do the best work possible; and, when this is done, he should immediately proceed to investigate the origin of the fire and fix the location where it started; get statements from all witnesses, and make every effort to learn the origin and fix the responsibility. The law, as now interpreted, practically makes this company responsible for fires starting within three hundred feet of the track, unless it can be shown that the company is not responsible. It is necessary, therefore, to determine positively the origin, in order to relieve the railway company of the responsibility. The first officer on the ground should endeavour to hold a joint investigation with the local fire inspector of the Railway Commission, or other local forestry officer, and agree upon the origin of the fire. This will avoid disputes later on.

To Chief Dispatchers:

In all cases where fires are reported, it will be the duty of the dispatcher to get full information as to the extent of such fire, its location and the number of men necessary to fight it. It will also be the duty of the dispatcher to furnish whatever train service may be required to move extra gangs, section gangs, or bridge crews, to the fire immediately, giving this movement preference if the emergency requires it.

To Sectionmen, Extra Gangs, and Bridge Foremen:

In all cases where fire occurs, it shall be the duty of all section crews, extra gangs, and bridge crews to proceed immediately to such fires, and extinguish same, remaining as long as may be necessary to do this and it must be understood that this is the most important work that can be done, and that the carrying on of your work, though it

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may be important, must be set aside until the fire is extinguished. The section foreman on whose section the fire occurs, shall, in the absence of an official of the company, make a thorough investigation regarding the origin of the fire, and submit a full report to the Roadmaster.

Between April 1 and November 1, no ties, cuttings, débris, or litter upon or near the right of way shall be burned, except under such supervision as will prevent such fire from spreading beyond the strip being cleared. Officers of the Railway Commission may require that no such burning be done along specified portions of the line, except with the written permission or under the direction of such officer.

Penalty—(Regulation 17, Order 16570:)

"If any employee or other person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a penalty of twenty-five dollars for every such offence."

CIRCULAR No. 109.

OTTAWA, April 1, 1913.

File 16513, Part 4. Locomotive Boiler Reports.

The board is in receipt of information that there is now and there has been for some time past unusual number of locomotive fire boxes damaged by shortage of water. In many cases the damage has been of a very serious nature, though fortunately accidents have not resulted in injuries to either enginemen or trainmen, but have only necessitated the "shopping" of the engine for heavy fire box repairs.

In order to keep the board's records of locomotive boilers correct, it is of the utmost importance that the board be furnished with a report covering all such damage as is referred to herein. The board therefore requests that these reports be forwarded promptly by the companies.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 110.

OTTAWA, April 3, 1913.

Accidents reported to the Board.

I am directed to advise you that the board has decided that it will not hereafter deal with accidents occurring in railway shops or other manufacturing establishments, the property of railway companies subject to its jurisdiction; and that such accidents need not be reported to the board; but that all accidents occurring on the railway or in connection with the operation of the railway, including roundhouses, etc., must be fully and promptly reported to the board.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 111.

OTTAWA, April 24, 1913.

File 4135, Part 4. Yard-Limit Boards.

I enclose draft of order which the board proposes to issue in connection with yard-limit boards, and I am directed to say that railway companies subject to the board's jurisdiction will be heard at the sittings of the board to be held in Ottawa on Tuesday, May 6 next, should they desire to make any objection to the order in any way or show cause why the order should not be made.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

5 GEORGE V., A. 1915

ORDER No.

In the matter of the memorial of the Trainmen's Association of Canada for the adoption of certain regulations by the board, having in view the protection of employees of the railway companies subject to the jurisdiction of the board. File 4135. Part 3.

Upon the report and recommendation of the operating officer of the board, and in pursuance of the powers conferred upon it by sections 30, 268, and 269 of the Railway Act, and of all other powers possessed by the board in that behalf.

It is ordered as follows:—

1. The railway companies under the jurisdiction of the board shall file with the board, on or before the 1st day of July, 1913, a statement of its yards, limits of which are indicated by yard-limit boards, showing the distance that these boards are located from the outer switches of such yards.

2. Before any such company shall proceed to erect any yard-limit board upon its right of way after the date of this order, it must first obtain the approval of the board to the location of such yard-limit board.

3. After October 1, 1913, rule 93 of the approved uniform rules for the operation of Canadian railways shall apply only to yards where locations of yard-limit board have been approved by the board.

(Signed) D'ARCY SCOTT,
Assistant Chief Commissioner.

CIRCULAR No. 112.

OTTAWA, May 7, 1913.

File 3775-3. Re Average Demurrage Plan.

At the sittings of the board to be held in Ottawa, Tuesday, May 20 next, commencing at ten o'clock in the forenoon, the board will consider the applications of the Canadian Manufacturers' Association and the Hamilton Board of Trade for an extension of the Canadian Car Service Rules so as to include what is known as the "average demurrage" plan.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT No. 1 TO CIRCULAR No. 112. SUPPLEMENT No. 4 TO
CIRCULAR No. 106.

OTTAWA, May 9, 1913.

File 3775-3. Re Average Demurrage Plan.—File 3775-1. Re Reciprocal Demurrage.

On representations made by the Canadian Manufacturers' Association as to the material desired to be submitted, and that more time is required to collect and codify it to the best advantage, the board has determined that the consideration of reciprocal demurrage and its suggested application in Canada, also what is known as the "average demurrage" plan should stand until a special hearing to be held at the Central Station building, Ottawa, Ont., on Monday, June 16, next.

Boards of Trade interested may send in their data from time to time as they desire, and present their cases entirely by written arguments.

Boards of Trade in the West, who may desire to make specific representations to the board, may do so at the following points and times: Vancouver, B.C., court house, Monday, May 19; Calgary, Alta., city hall, Monday, May 26; Edmonton, Alta., city hall, Tuesday, May 27; Regina, Sask., city hall, Thursday May 29; Winnipeg, Man., city hall, Friday, May 30; Fort William, Ont., city hall, Monday, June 2.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SESSIONAL PAPER No. 20c

CIRCULAR No. 113.

OTTAWA, May 20, 1913.

File 15499. Protection of Level Crossings by Signal System either with or without derails.

The board is impressed with the large number of accidents occurring at level railway crossings (crossings of one railway by another) which are not protected by signal system with or without derails approved of by the board; and I am directed to ask that railway companies subject to the jurisdiction of the board, show cause, in writing, within thirty days of the date of this circular, why an order should not issue requiring such railway companies to install and complete, within three years from the date of such order, an interlocking system to be approved of by the board for the protection of all level crossings which are not so protected between tracks of steam railways and between tracks of steam and electric railways.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 114.

OTTAWA, May 22, 1913.

File 16932. Re Height of Freight Cars.

I am directed to inform you that at the sittings of the board to be held in Ottawa on Tuesday, June 17 next, the board will take into consideration the proposition that, by limiting the height of freight cars operated on railways subject to its jurisdiction to 13 feet 6 inches from the top of rail to the running board, trainmen would be safeguarded, and grade separation facilitated; also of the proposals submitted by the Canadian Freight Association, in conformity with the suggestion that this object would be promoted by basing the minimum weights of the Canadian Freight Classification for light and bulky articles on the cubical capacity of box cars, instead of on their length, as at present.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT No. 1 TO CIRCULAR No. 114.

OTTAWA, July 8, 1913.

File 16932. Re Height of Freight Cars.

Since the hearing of this matter at the sitting of the board in Ottawa on Tuesday, June 17, last, further statistics have been filed necessitating another hearing which will take place in the City Hall, Toronto, Ont., on July 15 next, and the parties interested are requested to direct their attention to the effect of a prohibition on freight cars of over 13 feet 6 inches in height from the rail, which will give a height in the box itself of 8 feet; the question of the length or width of the car is not up for consideration nor proposed to be limited.

The parties are also requested to consider the effect of applying this limitation of 13 feet 6 inches to all movements from any Canadian point to any other Canadian point, whether routed through Canada or through the United States, to all movements from United States to Canadian points, and to all movements from Canadian to United States points, the result being that the only movement in effect under which high cars will continue to be used will be on traffic originating in United States points passing through Canada destined to United States points.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

5 GEORGE V., A. 1915

CIRCULAR No. 115.

OTTAWA, July 7, 1913.

File 20,885—Sale of Round-trip Tickets by Conductors.

I am directed by the board to ask that all railway companies subject to its jurisdiction state, within thirty days from the receipt of this circular, whether their conductors have instructions to sell round-trip tickets to passengers boarding their trains at flag stations, or at stations where no agents are on duty immediately before the departure of trains therefrom.

By order of the board.

A. D. CARTWRIGHT.

Secretary, B.R.C.

CIRCULAR No. 116.

OTTAWA, July 8, 1913.

File 4,741—Part 4.

Your attention is directed to general order No. 107, comprising revision of fire regulations contained in general order No. 16,570. Three mimeographed copies of general order No. 107 are inclosed for your information and a further supply will be sent upon request. Printed copies of the order will be available for distribution in larger quantities within a short time.

Your attention is particularly directed to the changes from former requirements which occur in the new order in subsection (b) of regulation 5; regulation 6; subsections (a), (b), and (e) of regulation 13; and regulation 14.

I am directed to advise you that action as to the issuance and posting of instructions to employees must be taken at the earliest practicable date, covering the requirements of general order No. 107, under the conditions set forth in regulation 14. You are required to submit within thirty days a statement showing the action which will be taken by your company in this connection.

I am also directed to advise you that the requirements made by or under the direction of the chief fire inspector concerning the construction and maintenance of fireguards under regulation 9 of order 16,570, and with regard to the establishment of patrols under regulations 11 and 12 of said order, shall be considered as continuing in effect under the corresponding regulations contained in general order No. 107, except in so far as said requirements shall be modified by or under the direction of the chief fire inspector.

By order of the board,

A. D. CARTWRIGHT.

Secretary, B.R.C.

CIRCULAR No. 117.

OTTAWA, July 8, 1913.

File 16,932—Re Cubical Base as Minimum for Light and Bulky Articles.

I am directed to inform you that at the sitting of the board to be held in the city hall, Toronto, Ont., on Tuesday, July 15, commencing at ten o'clock in the forenoon, the board will consider the matter of substituting cubical for the length of car basis as the minimum for light and bulky articles.

By order of the board,

A. D. CARTWRIGHT.

Secretary, B.R.C.

SESSIONAL PAPER No. 20c

CIRCULAR No. 118.

OTTAWA, July 28, 1913.

File 11654, Part 2. Equipment of Locomotive Engines with steps.

The inspectors of the board have called its attention to the fact that a number of railway companies subject to its jurisdiction are equipping their locomotive engines with steps on the front buffer beam or on the side post of the pilot, in accordance with the Interstate Commerce Commission regulations. The Canadian regulations, agreed to by the railway companies and approved by the board, February 17, 1913, do not require these steps. If, on account of international service, Canadian railway companies feel that it is desirable or advisable so to equip their locomotives in accordance with United States practice, the board directs that it shall be incumbent upon such railways to see that these steps are kept in good order and repair.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 119.

OTTAWA, July 29, 1913.

Files 10247 and 12016, Resuscitation from Apparent Death from Electric Shock.

Attention is hereby directed to circular No. 37, issued by the board under date of May 3, 1909, regarding rules for "resuscitation from apparent death from electric shock."

These rules have recently been revised under the auspices of the National Electric Light Association, T. C. Martin, Secretary, 33 west 39th street, New York. The board deems it advisable that you should secure copies of them, and have them posted in conspicuous places in every department, so that the knowledge therein contained shall be spread amongst all officials and employees of your institution.

Attention is also directed to the advisability of warning employees about the absolute necessity of keeping away from all electric light or power lines. On February 28, 1913, near Ingersoll, Ont., one railway man was killed by coming in contact with an electric power line through the medium of a tape line which he was using to measure the clearance between the rails and wires. He and his companions had acquired the bad habit of throwing a string over the power wires in order to determine the distance between the wires and rails. On the occasion in question, as there was no string at hand, these men used a cloth tape line and, unknown to them, a light copper mesh, which was woven within the tape line, conveyed current from the power line through one of the men to the ground, with fatal results.

Two things are to be impressed upon your employees: First, to keep away from all electric wires; and, second, to become familiar with the rules for the resuscitation of persons apparently killed by electric shock; and to put these rules into operation when the occasion arises.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

5 GEORGE V., A. 1915

CIRCULAR No. 120.

OTTAWA, July 30, 1913.

File 6713, Case 2846, Part 3. Re Switching Charges and Practices.

On the 4th of February, 1913, circular No. 104 was issued to the following effect:—

I am directed to inform you that at a sittings to be held in Ottawa on Tuesday, February 18 next, commencing at ten o'clock in the forenoon, the board will take into consideration the proposed revision of order of the board No. 4988, dated July 8, 1908, known as the general interswitching order, and of the draft revise suggested by the board at the sittings held at Ottawa November 5, 1912, for examination and comment.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

At the sittings subsequently held, a general discussion took place, but no definite conclusion was arrived at by the railway companies as to their position; and the board desires the railway companies to make their written submission on the whole question both as to practices and rates.

In addition to the question of interswitching, many complaints have been received by the board as to the local switching practices and charges.

The board also requires the submissions of the companies as to what rules and practices should be followed and charges made for services of this character at all points of sufficient magnitude on the lines of the respective railway companies to necessitate a local switching movement.

As some of the objections raised by the companies as to switching movements of both kinds are based on insufficiency of the toll, the board desires the submissions of the companies to indicate the principle that, in the opinion of the companies, should be observed in arriving at a rate basis, supported by particulars of cost the companies are put to in illustrative movements.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

OTTAWA, September 23, 1913.

File 6713, Case 2846. Circular 120. Re Switching Charges and Practices.

Referring to the board's circular No. 120, dated July 30, 1913, asking submissions of companies as to what rules and practices should be followed and what charges made for interswitching and local switching at all points of sufficient magnitude on the lines of the railway companies to necessitate a local switching movement, I am directed to ask that the railway companies interested forward the submissions asked for at their earliest convenience.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SESSIONAL PAPER No. 20c

CIRCULAR No. 121.

OTTAWA, August 20, 1913.

File No. 22955—Equipment of Locomotives with Air Hose on the front end.

I am directed by the board to advise you that at a sittings to be held in Ottawa on Tuesday the 16th day of September, commencing at ten o'clock in the forenoon, the board will take into consideration the matter of requiring railway companies subject to its jurisdiction to equip locomotives with air hose on the front end.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 122.

OTTAWA, September 5, 1913.

File No. 22939—Re General Order No. 109—Complaint of Dominion Millers' Ass'n and Campbell Milling Company.

I am directed to inform you that at the sittings of the board to be held in the Central Station building, Ottawa, Ont., on Tuesday, September 16, 1913, the railway companies will be required to justify the proposed increase in the less-than-carload mileage rates on grain and grain products published, the schedules having been suspended by general order of the board No. 109.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT No. 1 TO CIRCULAR No. 122.

OTTAWA, October 11, 1913.

File 22939. Re General Order No. 109. Complaint of Dominion Millers' Association and Campbell Milling Company re L.C.L. mileage rates on grain and grain Products.

Referring to my circular No. 122, dated September 5 last, setting this matter down for hearing at Ottawa on Tuesday, September 16, I am directed to inform you that the board will hear this matter at its sitting to be held in the Central Station building, Ottawa, Ont., on Thursday, October 23 next.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SUPPLEMENT No. 2, TO CIRCULAR No. 122.

OTTAWA, October 16, 1913.

File 22939.—Re General Order No. 109.—Complaint of Dominion Millers' Association and Campbell Milling Company re L.C.L. mileage rates on grain and grain Products.

Referring to supplement No. 1 to my circular No. 122, dated October 11, setting this matter down for hearing at Ottawa on Thursday, October 11, setting this matter down for hearing at Ottawa on Thursday, October 23, I am directed to inform you that the hearing of this matter has been postponed until a date to be arranged later.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

5 GEORGE V., A. 1915

CIRCULAR No. 123.

OTTAWA, September 6, 1913.

File No. 16513, Part 4. Supplement 1 to Circular No. 109. Locomotive Boiler Reports.

I am directed to call your attention to order No. 14115, dated July 14, 1911, and to ask that all boiler inspection reports be mailed direct to Mr. A. J. Nixon, chief operating officer of the board, Ottawa.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR NO. 124.

OTTAWA, September 10, 1913.

File 16513, Part 4. Inspection of Locomotive stay-bolts and crown stays.

In connection with order of the board No. 14,115 *re* inspection of locomotive boilers, it is found on checking over monthly and annual reports received, that few of the reports show renewals of either crown stays or stay bolts, as per question No. 8 of the monthly, and No. 17 of the annual reports. As the intent of these questions is to show how these repairs are being kept up, it is important that all these renewals be shown when made either at the time of inspection or repair.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR NO. 125.

OTTAWA, October 23, 1913.

File 23189. Air Testing Plants.

I am directed by the board to ask that you forward at your earliest convenience information showing the points on your railway at which you have air testing plants for testing brakes on freight trains before they leave terminals.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR NO. 126.

OTTAWA, October 29, 1913.

File 23328. Baggage Regulations.

At the regular traffic sittings of the board to be held in Ottawa on Tuesday, December 16 next, consideration will be given to the rules and regulations for the carriage of baggage at present in force on railways subject to the jurisdiction of the board.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

SESSIONAL PAPER No. 20c

SUPPLEMENT No. 1 TO CIRCULAR No. 126.

OTTAWA, October 31, 1913.

File 23328. Baggage Regulations.

Referring to my circular No. 126 of October 29 advising that at the regular traffic sittings of the board to be held in Ottawa on Tuesday, December 16 next, consideration will be given to the rules and regulations for the carriage of baggage at present in force on railways subject to the jurisdiction of the board, I am now directed to state that the matter has been withdrawn from the list and will not be heard.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 127.

OTTAWA, February 23, 1914.

File 21351. Locomotive Defects.

I attach a memorandum in connection with various defects to locomotives which was agreed upon at a meeting attended by the representatives of the principal railway companies in Canada subject to the board's jurisdiction.

It is also desired to add a clause with reference to windows on locomotives as follows:—

“Railway companies are requested to equip their locomotives with double windows in the front of the cabs during the winter season, November 1 to April 30, the same to be made air tight.”

Will you please advise the board within thirty days from the receipt of this circular, what, if any, objections your company has to an order going embodying the regulations as herein set forth.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

Locomotives must not be allowed to leave the terminals, or to be used at terminals, in traffic service, on which any defects exist, as prescribed in the following list:—

1. *Steam Leaks.*—Steam leaks from any part of a locomotive which renders it impossible for engineer to see signals in sufficient time to enable him to bring his train to a stop within the required distance.

2. *Air Brakes.*—Air brakes on locomotives or tenders not in serviceable condition.

3. *Wheel Defects.*—Locomotives with steel or steel tired leading engine truck wheels, leading or trailing driving wheels, or tender or steel wheels and flangers worn $\frac{1}{16}$ below M.C.B. wheel defect gauge for cars of less than 80,000 pounds capacity or over.

Locomotives with cast iron engine truck wheels and cast iron wheels under tender weighing over 130,000 pounds with flanges worn $\frac{1}{16}$ below M.C.B. defect gauge for cars of 80,000 pounds capacity or over.

Locomotives with cast iron wheels under tender weighing 130,000 pounds or less with flanges worn $\frac{1}{16}$ below M.C.B. defect gauge for cars of less than 80,000 pounds capacity.

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Locomotives with truck or tender wheels having shelled out or flat spots over 2½ inches long or so numerous as to endanger the safety of the wheel.

Steel tires on locomotives worn hollow ½-inch in depth or which are worn below safe limit of thickness. Railway Companies to file with the Commission their standard limit of thickness of tire on all classes of locomotive, for approval.

Flat or shelled out spots on locomotive driving wheels three inches long.

4. *Springs*.—Locomotives with defective springs on any part of locomotive or tender which are unable to carry their respective weight when locomotive is standing.

CIRCULAR No. 128.

OTTAWA, March 10, 1914.

File 4741-E. Clearing Rights of Way.

I am directed to call your attention to section 297 of the Railway Act, which provides that "the company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter."

Attention is especially needed as to the annual growth of grass and other vegetation on rights of way, particularly through forest sections. This can, as a rule, be readily and safely burned off as soon as the snow has disappeared from the right of way, and while the adjoining lands are still too wet to permit the spread of fire.

Attention is also called to the necessity for a thorough clean-up of yards and sidings, especially where the peeling and loading of timber has resulted in the accumulation of inflammable debris.

The work of burning or otherwise disposing of combustible matter on rights of way should accordingly be begun at the earliest possible date in the spring and prosecuted vigorously until completed.

As required by Regulation 9 of general order No. 107, such supervision of burning must be provided as will prevent fires from spreading beyond the strip being cleared.

The board requests that you submit a statement showing what arrangements have been or will be made for handling this work on your lines.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 129.

OTTAWA, March 10, 1914.

File 23352—Locking of main track switches and securing of other switches—Paragraph 4, Rule 104, Uniform Code of Operating Rules.

I am directed by the board to draw the attention of railway companies subject to its jurisdiction, to the fact that it has from time to time received returns of a number of accidents resulting in serious, and sometimes fatal, injury to employees and passengers, as a result of non-compliance with paragraph 4 of rule 104, which reads as follows:—

"Main track switches must be locked and other switches secured. After a switch is turned, the points must be examined to know that they are in proper position."

I am also directed to ask that such action be taken as will ensure strict compliance with the requirements of the said paragraph 4 of rule 104.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

SESSIONAL PAPER No. 20c

CIRCULAR No. 130.

OTTAWA, March 11, 1914.

File 15455 6, putting up and taking down marker lights on cabooses.

I am directed by the board to draw attention to the fact that several accidents have recently happened whereby trainmen have been injured while in the act of putting up or taking down marker lights on cabooses, and to ask whether the railway companies subject to its jurisdiction have any, and if so what objection to an order being issued requiring:—

1. That where cabooses are equipped with marker sockets in the lower position, markers be carried in such lower sockets.

2. That all cabooses hereafter constructed be equipped with marker sockets in the lower position.

3. That all cabooses now in use not equipped with marker sockets in the lower position, be so equipped on or before the first day of November, 1914.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 131.

OTTAWA, March 11, 1914.

File 19399 Part 2—In the matter of reporting railway accidents to the board, as required by section 292 of the Railway Act.

I am directed to state that at a meeting of the board held in Ottawa on the 3rd of February, 1914, it was decided as follows:—

In case a railway company subject to the jurisdiction of the board grants or has granted running rights or joint use of its line or any portion thereof to another railway company, and the latter company is concerned in an accident attended with personal injury on the joint section, both companies shall report to the board, as set out in section 292 of the Railway Act and the forms issued thereunder.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 132.

OTTAWA, March 20, 1914.

File 4741—F—Part 2.—Re Fire Reports.

I am directed to advise you that the board has under consideration the advisability of requesting railway companies to submit monthly, in duplicate, reports on fires originating within 300 feet of the track and burning over an area of 100 square feet or more outside the right of way. It is proposed that the submission of such reports shall be limited to lines or portions of lines to be broadly classified as running through forest sections. The information proposed to be requested as to each such fire is as follows:—

Date.....	Subdivision.....	Mileage.....
Time discovered.....	By whom.....	
Means taken to extinguish.....		
How far from track did fire start.....		

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In what did fire start (as grass, old stump, old log, etc.)
 Probable cause of fire
 Area burned over: Grass or cultivated land acres
 Young forest growth acres
 Timber acres
 Slashing or old burn not reforesting acres
 Total area burned acres
 Character and amount of other property destroyed

I am directed to request that you advise the board within thirty days as to the attitude of your company with reference to this matter, with any additional suggestions you may care to make in this connection.

Yours truly,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 133.

OTTAWA, May 5, 1914.

File 4741-F Part 2. Re Fire Reports.

I am directed to advise you that in view of the replies received to circular No. 132, the board has decided to request railway companies to submit monthly, in duplicate, reports on fires originating within 300 feet of the track and burning over an area of 100 square feet or more outside the right of way. It is understood that the submission of such reports shall be limited to lines or portions of lines to be broadly classified as running through forest sections. The information to be furnished as to each such fire is as follows:—

Date Subdivision Mileage
 Time discovered By whom
 Means taken to extinguish
 How far from track did fire start
 In what did fire start (as grass, old stump, old log, etc.)
 Probable cause of fire
 Area burned over: Grass or cultivated land acres
 Young forest growth acres
 Timber acres
 Slashing or old burn not reforesting
 Total area burned acres

Character and amount of other property destroyed

The prompt submission of reports in accordance with the above is requested. Such reports should be submitted direct to the chief fire inspector of the board at Ottawa, or to such local officers of the board as may be specified by the chief fire inspector. The question as to the lines or portions of lines to be covered by these reports will be determined by the chief fire inspector, who will communicate directly with the railway companies regarding this matter.

Yours truly,

A. D. CARTWRIGHT,
Secretary, B. R. C.

SESSIONAL PAPER No. 20c

CIRCULAR No. 134.

OTTAWA, May 26, 1914.

File No. 7179.—Working Time Tables.

I am directed to call attention of the railway companies subject to the board's jurisdiction to the necessity of filing with the commission working time-tables, and to ask that your company arrange to send to the board's chief operating officer three copies of each working time-table or supplement thereto at the time of its going into effect.

By order of the board,

A. D. CARTWRIGHT.

Secretary, B. R. C.

CIRCULAR No. 135.

OTTAWA, August 21, 1914.

File No. 9451.—Increased tolls for exclusive use of drawing rooms or compartments in sleeping and parlour cars.

General order of the board No. 130, dated the 28th day of July, 1914, disallowed increased tolls for the exclusive use of drawing rooms or compartments in sleeping and parlour cars, locally between points both of which are in Canada.

The railway companies are required to show cause in writing on or before the 7th day of September, 1914, why the same action should not be taken as to the Canadian portion on international movements.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

CIRCULAR No. 136.

OTTAWA, October 17, 1914.

File No. 1750-10.—Interpretation of Section 4 of Order No. 12225 (General Order No. 65), re conductors for light engines.

The attention of the board having been called to different interpretations put upon section 4 of order No. 12225 (general order No. 65) it is ruled:—

That in the case of the movement of a light engine, or two or more light engines coupled, for a distance greater than 25 miles, when the movement is either on a single track or against the current of traffic on a double track, the word "conductor" as used in section 4 of order 12225 (general order No. 65), shall mean one regularly appointed for service as a conductor and possessed of the qualifications set out under subsection "b" of section 6, of the aforesaid order.

By order of the board,

A. D. CARTWRIGHT,

Secretary, B.R.C.

5 GEORGE V., A. '915

CIRCULAR No. 137.

OTTAWA, December 2, 1914.

File 25177.—Operation of Crossing Plants at Crossings between Steam and Electric Railways.

At the sittings of the board to be held in the city hall, Toronto, Ont., on Friday, December 11, 1914, commencing at ten o'clock in the forenoon, railway companies subject to the jurisdiction of the board will be required to speak to the question as to why in the case of a steam railway crossing an electric railway, where there is a heavy movement by the electric railway and only an infrequent movement by the steam railway, the employees on the train of the steam railway should not operate the plant when desiring to make a crossing, leaving it normally clear for the electric railway.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 138.

OTTAWA, December 19, 1914.

File 24942.—Changes in Time-Tables.

At the sittings of the board to be held in the Central Station building, Ottawa, Ont., on Tuesday, January 5, 1915, commencing at ten o'clock in the forenoon, railway companies subject to the jurisdiction of the board will be required to speak to the question of having public time-tables printed and distributed for the public notice ten days before same take effect, and to furnish the board with copies of working time-tables, or notices of cancellation of trains seven days prior to effective date.

By order of the board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

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APPENDIX N.

(1)

January 15, 1915.

BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

List of Steam Railways in operation or under construction subject to the jurisdiction of the Board.

Name.	Operating or Legal Officer.	Ottawa Agents.
Algoma Central and Hudson Bay.....	T. J. Kennedy and Vivian Harcourt, Receivers, Sault Ste. Marie, Ontario. T. Gibson, General Counsel, Toronto, Ontario	Chrysler & Higgerty, Central Chambers, Ottawa, Ont.
Algoma Eastern.....	T. J. Kennedy, President and General Manager, Sault Ste. Marie, Ontario. T. Gibson, General Counsel, Toronto, Ont.	Chrysler & Higgerty, Central Chambers, Ottawa, Ont.
Atlantic, Quebec and Western	C. R. Scoles, General Manager, New Carlisle, P.Q.	
Bay of Quinté (see Canadian Northern Ontario.)		
Boston & Maine (Massawippi Valley)...	B. R. Pollock, General Manager, Boston, Mass. Cate, Wells & White, Solicitors, Sherbrooke, P.Q.	MacCracken, Henderson, Greene & Herridge, Trust Building, Ottawa, Ont.
British Yukon (see White Pass and Yukon Route).		
Brockville, Westport and North Western (see Canadian Northern Ontario.)		
Calgary and Fernie (under construction.)	Clarke, Carson & McLeod, Solicitors, Calgary, Alberta.	Lewis & Smellie, 7 Trust Building, Ottawa, Ont.
Canadian Northern including :—		
Canadian Northern Alberta.....	M. H. MacLeod, General Manager, Winnipeg, Man.	Macdonnell & Honeywell, Castle Building, Ottawa, Ont.
Canadian Northern Manitoba		
Duluth, Winnipeg and Pacific.....	R. H. M. Temple, Assistant Solicitor, Toronto, Ontario.	
Edmonton and Slave Lake		
Edmonton, Yukon and Pacific.....		
Minnesota and Manitoba Railroad Co.		
Qu'Appelle, Long Lake and Saskatchewan Railway and Steamboat Co.		
Canadian Northern Ontario (C.N.R. System) including :—		
Bay of Quinté.....	A. J. Hills, General Superintendent, Toronto, Ont.	Macdonnell & Honeywell, Castle Building, Ottawa, Ont.
Brockville, Westport and North Western		
Central Ontario	R. H. M. Temple, Assistant Solicitor, Toronto, Ont.	
Irondale, Bancroft and Ottawa.....		
Marmora Railway and Mining Company		
Minnesota and Ontario Bridge Co.....		
Canadian Northern Quebec (C.N.R. System) including :—		
Quebec and Lake St. John and James Bay and Eastern. (under construction.)	F. M. Spaidal, General Superintendent, Montreal, P.Q. R. H. M. Temple, Assistant Solicitor, Toronto, Ont.	Macdonnell & Honeywell, Castle Building, Ottawa, Ont.
Canadian Pacific including :—		
Alberta Central.....	E. W. Beatty, Vice Pres., and General Counsel, Montreal, P.Q.	Ewart, Scott, MacLaren & Kelley, Solicitors, 14 Metcalfe Street, Ottawa, Ont.
Alberta Railway and Irrigation Company		
Interprovincial and James Bay.....		
Kaslo and Slocan.....	A. D. MacTier, General Manager, (Eastern Lines), Montreal, P.Q.	
Kootenay Central		
Lake Erie and Northern.....		
Montreal and Atlantic.....		

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List of Steam Railways in operation or under construction subject to the jurisdiction of the Board—*Continued.*

Name.	Operating or Legal Officer.	Ottawa Agents.
Canadian Pacific— <i>Continued</i> :— New Brunswick Coal and Railway and others.*	Grant Hall, General Manager, (Western Lines), Winnipeg, Man.	
Central Ontario (see Canadian Northern Ontario).		
Central Railway Company of Canada (under construction).	J. D. Wells, Secretary, 103 St. Francois Xavier Street, Montreal, P.Q.	
Central Vermont including :— Montreal and Province Line.	G. C. Jones, Vice President, St. Albans, Vermont.	Pringle & Guthrie, Citizen Building, Ottawa, Ont.
Montreal and Vermont Junction.	W. H. Biggar, K.C., General Counsel, Montreal, P.Q.	
Stanstead, Shefford and Chambly.	W. C. Chisholm, K.C., General Solicitor, Montreal, P.Q.	
Cumberland Railway and Coal Co., (Dominion Coal Company).	D. H. McDougall, General Manager, Sydney, N.S.	Harold Fisher, 46 Elgin Street, Ottawa, Ont.
Dominion Atlantic (C.P.R. System).	P. Giffkins, General Manager, Kentville, N.S. E. W. Beatty, Vice-President and General Counsel, Montreal, P.Q.	Ewart, Scott, MacLaren & Kelly, 14 Metcalfe Street, Ottawa, Ontario.
Edmonton, Dunvegan and British Columbia (under construction).	W. R. Smith, General Manager, Edmonton, Alberta.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
Elgin and Havelock.	A. H. Robinson, Acting General Manager, Petitediac, N.B.	
Esquimalt and Nanaimo (C.P.R. System).	R. Marpole, Vice President, Vancouver, B.C. H. E. Beasley, General Superintendent, Victoria, B.C. E. W. Beatty, Vice-President and General Counsel, Montreal, P.Q.	Ewart, Scott, MacLaren & Kelly, 14 Metcalfe Street, Ottawa, Ontario.
Essex Terminal.	Wm. Woollatt, General Manager, Walkerville, Ontario. J. H. Coburn, Secretary, Walkerville, Ontario.	
Glengarry & Stormont.	C. L. Hervey, Chief Engineer, 400 St. James Street, Montreal, P.Q.	Pringle, Thompson, Burgess & Cote, Union Bank Building, Ottawa, Ontario.
Grand Trunk, including Lachine, Jacques Cartier & Maisonneuve and others.	E. J. Chamberlain, President, Montreal, P.Q. W. H. Biggar, K.C., General Counsel, Montreal, P.Q. W. C. Chisholm, K.C., General Solicitor, Montreal, P.Q.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
Grand Trunk Pacific and Grand Trunk Pacific Branch Lines.	M. Donaldson, Vice-President and General Manager, Winnipeg, Manitoba. H. H. Hansard, Solicitor, Winnipeg, Manitoba.	
Great Northern, controlling :— Bedlington & Nelson.	L. W. Hill, President, St. Paul, Minn.	Andrew Haydon, 19 Elgin Street, Ottawa, Ontario.
Brandon, Saskatchewan & Hudson's Bay Crow's Nest Southern.	J. M. Gruber, Vice-President, St. Paul, Minn.	
Manitoba Great Northern.	E. C. Lindley, General Solicitor, St. Paul, Minn.	
Midland Railway of Manitoba.		
Nelson & Fort Sheppard.		
New Westminster Southern.		
Red Mountain.		
Vancouver, Victoria & Eastern Railway and Navigation Company.		
Halifax & South Western (C. N.R. System).	J. Bain, General Superintendent, Bridgewater, N.S. R. H. M. Temple, Assistant Solicitor, Toronto, Ontario.	Macdonnell & Honeywell, Castle Building, Ottawa, Ontario.

* See complete list on page 556.

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LIST of Steam Railways in operation or under construction subject to the jurisdiction of the Board—*Continued.*

Name.	Operating or Legal Officer.	Ottawa Agents.
Hamilton, Waterloo and Guelph	John Patterson, General Manager. Thomas E. Hillman, Chief Engineer, Hamilton, Ontario.	Pringle & Guthrie, Citizens Building, Ottawa, Ontario.
International Bridge and Terminal Co. (see Canadian Northern).		
Interprovincial and James Bay (under construction, see Canadian Pacific).		
Irondale, Bancroft and Ottawa (see Canadian Northern Ontario).		
James Bay and Eastern (under construction, see Canadian Northern Quebec).		
Kettle Valley	J. J. Warren, President, Pen- ticton, B.C. E. W. Beatty, Vice-President and General Counsel, Mont- real, P.Q.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
Klondike Mines	E. A. Murphy, General Manager, Dawson, Y.T.	Andrew Haydon, 19 Elgin Street, Ottawa, Ontario.
Kootenay and Alberta	H. A. Lovett, K.C., President, Transportation Building, Montreal, P.Q. S. T. Mains, Secretary, Agency Building, Edmonton, Alberta.	Belcourt, Ritchie & Chevrier, Castle Bldg., Ottawa, Ont.
Lake Erie and Northern (see Canadian Pacific).		
Maine Central including :— Hereford Princeton Branch of Washington County	D. C. Douglass, V. P. & G. M. Portland, Maine.	MacCracken, Henderson, Greene and Herridge, Trust Building, Ottawa, Ontario.
Marmora Railway and Mining Co. (See Canadian Northern Ontario).		
Michigan Central (Canada Southern)	E. D. Bronner, General Manager, Detroit, Michigan. Saunders, Torrance & Kings- mill, Solicitors, Toronto, Ont- ario.	Orde & Powell, 33 Sparks St., Ottawa, Ontario.
Minnesota & Ontario Bridge Co. (See Canadian Northern Ont. Ry.).		
Minnesota & Manitoba Railroad Co. (See Canadian Northern System).		
Moncton and Buctouche	E. G. Evans, General Manager, Moncton, N. B.	
New Brunswick Coal and Railway. (See Canadian Pacific).		
Ottawa & New York. (N.Y.C. & H.R. R. System).	S. R. Payne, General Manager, Ottawa, Ontario.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
Père Marquette controlling :— Lake Erie and Detroit River Erie and Huron	F. H. Alfred, General Manager, Detroit, Michigan. Parker, Shields & Brown, General Attorneys, Detroit, Michigan.	John Thompson, 22 Metcalfe Street, Ottawa, Ontario.
Pointe aux Trembles Terminal (owned by Canada Cement Co.).	Brown, Montgomery & Mc- Michael, Barristers, etc. Do- minion Express Building, Montreal, Que.	
Quebec and Lake St. John. (See Canadian Northern Quebec).		
Quebec, Montreal and Southern including Napierville Junction.	James FitzSimons, Gen'l Man- ager, Montreal, P. Q.	Belcourt, Ritchie & Chevrier, Castle Bldg., Ottawa, Ont.
Quebec Oriental	C. R. Scoles, General Manager, New Carlisle, P. Q.	

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LIST of Steam Railways in operation or under construction subject to the jurisdiction of the Board—*Concluded.*

Name	Operating or Legal Officer.	Ottawa Agents.
Rutland and Noyan (Rutland).....	G. T. Jarvis, Vice-President & General Mgr., Rutland, Vermont.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
Salisbury and Albert.....	E. M. Sherwood, Manager, Hillsboro, N.B.	
Schomberg & Aurora.....	C. L. Wilson, Asst. Manager, Toronto, Ont.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
St. Lawrence & Adirondack (N.Y.C. & H. R. R. System).	P. E. Crowley, General Manager, New York, N. Y. D. L. Summerville, Superintendent, (N.Y.C. & H.R.R.) Utica, New York.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
St. Martins	W. E. Foster, President, St. John, N.B.	
Temiscouata.....	G. G. Grundy, General Manager, Rivière du Loup, P.Q.	Orde, Powell & Lyle, 33 Sparks Street, Ottawa, Ontario.
Thousand Islands.....	E. W. Rathbun, President, Deseronto, Ontario. J. F. Chapman, Manager, Gananoque, Ontario.	Hogg & Hogg, Trust Building, Ottawa, Ontario.
Toronto, Hamilton & Buffalo (including Erie and Ontario).	E. D. Cahill, General Solicitor, Hamilton, Ontario.	Chrysler & Higgerty, Central Chambers, Ottawa, Ontario.
Victoria and Sidney and Victoria Terminal Railway and Ferry Company.	A. H. MacNeill, President, Vancouver, B. C. F. Van Sant, Superintendent, Victoria, B. C.	Andrew Haydon, 19 Elgin St., Ottawa, Ontario.
Wabash.....	H. H. Miller, V. P. & G. M., St. Louis, Missouri. H. E. Rose, K. C., Counsel & Solicitor, Toronto, Ontario.	Murphy & Fisher, Central Chambers, Ottawa, Ontario.
Western Canada Power Co	W. McNeill, Asst. Gen'l Mgr., Carter-Cotton Building, Vancouver, B. C.	
Western Dominion under construction)..	O. E. Culbert, Secretary, Calgary, Alberta.	
White Pass and Yukon Route (British Yukon).	F. C. Elliott, President Vancouver, B. C., and 1919 Conway Building, Chicago.	Chrysler & Higgerty, Central Chambers, Ottawa, Ontario.

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January 15, 1915.

BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

LIST of Steam Railways in operation or under construction not subject to the jurisdiction of the Board.

Alberta Great Waterways.....	(Under construction.)
Canada Central.....	(Under construction.)
Canada and Gulf Terminal.....	
*Canadian Northern Pacific.....	(C.N.R. System, under construction.)
*Canadian Northern Saskatchewan.....	(C.N.R. System.)
*Canadian Northern Western.....	(C.N.R. System.)
Cape Breton.....	
Caraquet and Gulf Shore.....	
Eastern British Columbia.....	
Fredericton and Grand Lake Coal and Railway Co.....	(C.P.R. System.)
Ha Ha Bay.....	
Intercolonial.....	(Canadian Government lines.)
International Railway of New Brunswick.....	(Canadian Government lines.)
Inverness Railway and Coal Company.....	(C.N.R. System.)
Kent Northern.....	(Including St. Louis and Richibucto.)
Lake Huron and Northern Ontario.....	(Formerly Bruce Mines and Algoma.)
Lotbiniere and Megantic.....	
Magametewan River.....	
Maritime Railway Coal and Power Company.....	
Morrissey, Fernie and Michel.....	
National Transcontinental.....	(Under construction.)
New Brunswick and Prince Edward Island.....	(Canadian Government lines.)
Northern New Brunswick and Seaboard.....	
North Shore.....	
Pacific Great Eastern.....	(Under construction.)
Philipsburg Railway and Quarry Co.....	
Prince Edward Island.....	(Canadian Government lines.)
Quebec Central.....	(C.P.R. System.)
Quebec and Saguenay.....	(Under construction.)
Salmon River and Northern.....	
Southampton.....	(C.P.R. System.)
St. John Valley.....	(Canadian Government lines.)
Sydney and Louisburg.....	(Dominion Coal Co.)
Temiskaming and Northern Ontario.....	(Ontario Government line.)
Vancouver Copper Co.'s Railway.....	(Lenora Mount Sicker.)
Wellington Colliery Co.....	
York and Carleton.....	

* NOTE.—Under the Canadian Northern Railway Guarantee Act, these lines will become subject to the Board, upon proclamation by the Governor-in-Council, following their completion and opening for operation.

(3) CANADIAN PACIFIC RAILWAY COMPANY.

Subsidiary lines comprising this system and roads amalgamated with company since inception of this Board, also controlled roads. (List subject to change):—

Alberta Central.
Alberta Railway and Irrigation Company.
Atlantic and Northwest.
British Columbia Southern.
Brockville and Ottawa.
Calgary and Edmonton.
Campbellford, Lake Ontario and Western.
Cap de la Madeleine.
Carleton City of St. John Branch Railway Company.
Columbia and Kootenay.
Columbia and Western.
Credit Valley.
Dominion Atlantic (operated as a separate road).
Esquimalt and Nanaimo (operated as a separate road).
Fort William Terminal Railway and Bridge Company.
Fredericton.
Georgian Bay and Seaboard.
Grand River Railway Company.
Great Northwest Central.
Guelph and Goderich.
Guelph Junction.
Hull and Aylmer (now Hull Electric).
Interprovincial and James Bay.
International.
Joliette and Brandon.
Kaslo and Slocan.
Kettle Valley (to be taken over upon completion).
Kingston and Pembroke.
Kootenay and Arrowhead.
Kootenay Central.
Lake Erie and Northern.
Lake Temiscamingue Colonization.
Lindsay, Bobcaygeon and Pontypool.
Manitoba and Northwestern.
Manitoba Southwestern Colonization.
Montreal and Atlantic (operated for owners).
Montreal and Ottawa.
Montreal and Western.
Nakusp and Slocan.
New Brunswick.
New Brunswick and Canada.
New Brunswick Coal and Railway.
New Brunswick Southern.
Nicola, Kamloops and Similkameen.
Northern Colonization (Chemin de fer du Colonization du Nord).
Ontario and Quebec.

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Orford Mountain.
Ottawa, Northern and Western.
Quebec Central (controlled, has provincial charter and operated separately:
not subject to Board of Railway Commissioners).
Saskatchewan and Western.
Shuswap and Okanagan.
South Ontario Pacific.
St. John and Maine.
St. Lawrence and Ottawa.
St. Mary's and Western Ontario.
St. Maurice Valley.
St. Stephen and Milltown.
Thessalon and Northern Railway Company.
Tilsonburg, Lake Erie and Pacific.
Tobique Valley.
Toronto, Grey and Bruce.
Vancouver and Lulu Island.
Walkerton and Lucknow.
West Ontario Pacific.

(4)

January 15, 1915.

BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

LIST of Electric Railways.

Note.—Only roads in capitals are subject to the jurisdiction of the Board.

Name.	Operating or Legal Officer.	Ottawa Agents.
ALBERTA INTERURBAN.	C. S. Drummond, Vice-President, Beveridge Building, 7th Ave. E., Calgary, Alta.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
Berlin and Bridgeport. Berlin and Waterloo.		
BRANTFORD AND HAMILTON (Dominion Power & Transmission Co.)	E. P. Coleman, Manager, Hamilton, Ontario.	Andrew Haydon, 19 Elgin Street, Ottawa, Ontario.
BRANTFORD STREET (See Grand Valley). British Columbia. Cape Breton.		
CHATHAM, WALLACEBURG AND LAKE ERIE.	J. G. Kerr, General Solicitor, Chatham, Ontario.	Orde, Powell & Lyle, Trust Building, Ottawa, Ontario.
Cornwall Street. Galt, Preston and Hespeler.		
GRAND VALLEY including: Woodstock, Thames Valley & Ingersoll. Note: This road is being operated in conjunction with Brantford Street Railway.	Wilkes and Henderson, City Solicitors, Brantford, Ontario.	
Guelph Radial. Guelph Rapid. Halifax Tramway. Hamilton and Dundas. Hamilton, Grimsby & Beamsville.		
HAMILTON RADIAL (Dominion Power & Transmission Co.) Hamilton Street. HULL (C.P.R. Control).	E. P. Coleman, Manager, Hamilton, Ont. G. G. Gale, Manager, Hull, P. Q.	Andrew Haydon, 19 Elgin St., Ottawa, Ontario.
International.	E. H. Henning, Superintendent, 808 Ellicott Square, Buffalo, N. Y.	
International Transit Co. Kingston, Portsmouth & Cataraqui. Kingston Street. Levis County.		
LONDON & LAKE ERIE RAILWAY & TRANSPORTATION CO. LONDON AND PORT STANLEY. Note: This road formerly operated by P ^{ere} Marquette Railway but now owned by City of London, and operated by a Commission, Sir Adam Beck, Chairman.	W. N. Warburton, General Manager, London, Ontario.	
London Street. Metropolitan Railway (Toronto and York Radial).		
MONTREAL & SOUTHERN COUNTIES.	W. B. Powell, General Manager, Montreal, P. Q. Patrick Dubee, Secretary, Montreal, P. Q.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
MONTREAL, PARK & ISLAND.		
Montreal Street.		
MONTREAL TERMINAL.	Patrick Dubee, Secretary, Montreal, P. Q.	
Mount McKay and Kakabeka Falls. Nelson Tramway. Niagara Falls, Park and River.		

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LIST of Electric Railways—*Concluded.*

Name.	Operating or Legal Officer.	Ottawa Agents.
NIAGARA, ST. CATHARINES AND TORONTO.	G. Ruel, Chief Solicitor, Toronto, Ontario.	Macdonnell & Honeywell, Castle Building, Ottawa, Ontario.
NIAGARA, WELLAND AND LAKE ERIE.	German & Morwood, Barristers, Welland, Ontario.	
NIPISSING CENTRAL (Operated by T. & N. O. Ry.)	W. H. Maund, Secretary-Treasurer, Toronto, Ontario.	Orde, Powell & Lyle, Trust Building, Ottawa, Ontario.
OSHAWA.	E. W. Rathbun, President, Deseronto, Ont.	Hogg & Hogg, Trust Building, Ottawa, Ontario.
	J. F. Chapman, Manager, Gananoque, Ontario.	
OTTAWA.	F. D. Burpee, Manager, Ottawa, Ontario.	
Peterboro Radial.		
Port Arthur and Fort William.		
Port Arthur Street.		
Port Dalhousie, St. Catharines and Thorold.		
QUEBEC RAILWAY, LIGHT AND POWER CO.	H. G. Matthews, General Manager, Quebec, P. Q.	R. V. Sinclair, Booth Building, Ottawa, Ontario.
Sandwich, Windsor and Amherstburg.		
Sarnia Street.		
Sherbrook Street.		
St. John.		
St. Stephen.		
St. Thomas Electric Street.		
Sydney and Glace Bay.		
Toronto and Mimico (Toronto and York Radial.)		
Toronto Railway Co.	R. J. Fleming, General Manager, Toronto, Ontario.	
Toronto and Scarborough Railway, Light and Power Co.		
Toronto Suburban.		
Toronto and York Radial.		
VANCOUVER, FRASER VALLEY & SOUTHERN.	A. H. MacNeill, Solicitor, Vancouver, B. C.	Pringle, Thompson, Burgess & Cote, Union Bank Building, Ottawa, Ontario.
WINDSOR, ESSEX AND LAKE SHORE RAPID	A. Eastman, General Manager, Kingsville, Ontario.	F. A. Magee, Barrister, Canada Life Building, Ottawa, Ont.
Windsor and Tecumseh.		
Winnipeg Street.		
WOODSTOCK, THAMES VALLEY AND INGEROLL, (See Grand Valley).		
Yarmouth Street.		

